**REPORTABLE**

# IN THE SUPREME COURT OF INDIA

## CRIMINAL APPELLATE JURISDICTION

**MAHIPAL V. RAJESH KUMAR (2020)**

**BENCH:** Dr. Justice D.Y. Chandrachud & Mr. Justice Hrishikesh Roy **DECIDED:** December 5, 2019

***RATIO DECIDENDI & PRECEDENTIAL CRUX:***
***High Court bail orders must demonstrate application of mind and record reasons; unreasoned bail orders in murder cases are perverse and liable to cancellation.***

### 1. Factual Matrix & Background:

In a daylight murder case involving eyewitness testimony, the High Court granted regular bail to the main accused via a cryptic single-paragraph order without analyzing the material on record or recording reasons for releasing the accused on bail.

### 2. Substantive Legal Questions Framed:

Whether an unreasoned bail order passed by the High Court in a heinous murder trial can be sustained, and whether the Supreme Court should set it aside.

### 3. Analysis & Ratio Decidendi:

The Supreme Court set aside the bail order, holding that while an elaborate discussion of evidence is unnecessary at the bail stage, the order must indicate that the court applied its mind to the relevant factors: prima facie case, gravity of the crime, criminal antecedents, and tampering risks. Passing cryptic, formulaic orders granting bail without reasons violates judicial discipline.

### 4. Principles Enunciated:

- 1. Judicial orders granting or refusing bail must record prima facie reasons.
- 2. Lack of reasoning renders a bail order perverse and vulnerable to appellate setting aside.
- 3. The court must balance individual liberty with the societal interest in fair justice.

### 5. Practical Litigation Implications:

- When challenging an adverse bail order granted to an opponent, demonstrate that the order is cryptic and failed to evaluate eyewitness testimony or criminal antecedents.

**.....J.**
**[SUPREME COURT BENCH]**