REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

PRABHAKAR TEWARI V. STATE OF U.P. (2020)

BENCH: Dr. Justice D.Y. Chandrachud & Mr. Justice Hrishikesh Roy **DECIDED:** January 24, 2020

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Mere pendency of other criminal cases is not a sufficient ground by itself to refuse bail if no prima facie material links the accused to the present crime.

1. Factual Matrix & Background:

The High Court granted regular bail to the accused in a murder case. The brother of the deceased appealed to the Supreme Court seeking cancellation of bail, emphasizing that the accused was involved in several other criminal cases and had serious criminal antecedents.

2. Substantive Legal Questions Framed:

Whether the existence of criminal antecedents is sufficient by itself to deny or cancel bail where the material connecting the accused to the present offence is weak.

3. Analysis & Ratio Decidendi:

The Supreme Court affirmed the grant of bail and dismissed the appeal. The Court held that while criminal antecedents are an important factor, the mere pendency of other criminal cases cannot be the sole basis for refusing bail when the evidentiary material linking the accused to the crime under consideration is prima facie tenuous or lacking corroboration.

4. Principles Enunciated:

- 1. Criminal antecedents cannot form the sole justification for pre-trial incarceration.
- 2. Court must examine the strength of the evidence in the specific case before it.
- 3. Previous FIRs cannot substitute for proof of guilt in the instant prosecution.

5. Practical Litigation Implications:

- When the prosecution relies heavily on criminal history, demonstrate the lack of direct eyewitness or forensic evidence connecting the client to the specific FIR under trial.

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

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