REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

RAM GOVIND UPADHYAY V. SUDARSHAN SINGH (2002)

BENCH: Mr. Justice Umesh C. Banerjee & Mr. Justice Y.K. Sabharwal **DECIDED:** March 20, 2002

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Bail is a matter of judicial discretion that must be exercised judiciously; repeated grant of bail despite witness threats warrants cancellation.

1. Factual Matrix & Background:

The accused was charged with murder and arms offences. Despite multiple rejections and reports of continuous threats to the complainant and eyewitnesses, the High Court granted bail without discussing the previous rejections or the threats.

2. Substantive Legal Questions Framed:

What are the considerations that must govern the exercise of judicial discretion in granting bail in heinous offences where witness intimidation is reported.

3. Analysis & Ratio Decidendi:

The Supreme Court cancelled the bail, holding that grant of bail is an exercise of judicial discretion that must be governed by established legal rules, not by whim or compassion. Where there is credible evidence of intimidation of prosecution witnesses, the public interest in a fair trial must take precedence over the personal liberty of the accused.

4. Principles Enunciated:

- 1. Judicial discretion in bail matters must be exercised reasonably and judiciously.
- 2. Prima facie satisfaction and gravity of offence must be weighed alongside liberty.
- 3. Threat to witnesses or tampering with evidence is a decisive ground to cancel bail.

5. Practical Litigation Implications:

- Victims and complainants seeking bail cancellation must file contemporaneous police complaints (DDRs/FIRs) documenting specific threats to prove witness intimidation.

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

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