

Judges Cannot Use Personal Moral Views to Refuse Bail: Supreme Court of India

The Supreme Court of India granted bail in a POCSO case, rejected reliance on the victim family's 'morals', and considered prolonged custody and trial delay.

Kanha @ Kanhaiya Singh v The State of Madhya Pradesh & Anr. | Supreme Court of India | 23 September 2026

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What the Court decided

The Supreme Court of India granted regular bail to a man accused of sexually exploiting a minor. It set aside a Madhya Pradesh High Court order that had relied, in part, on the possible effect of bail on the social order and the “morals” of the victim's family. Judges should refrain from imposing their personal views or value judgments about morality when deciding bail or conducting a criminal trial, the Court said.

The Court also considered that the accused had been in custody for more than a year and that the trial would take additional time. The order did not decide whether the allegations were true. The accused must be produced before the Special Court, which will set appropriate bail terms, and his release remains subject to his custody in a separate criminal appeal concerning an earlier conviction.

The order is Kanha @ Kanhaiya Singh v The State of Madhya Pradesh & Anr., a criminal appeal arising from Special Leave Petition (Criminal) No. 9810 of 2026. Justices Ujjal Bhuyan and Atul S. Chandurkar decided it on 23 September 2026. The supplied signed order leaves the assigned criminal appeal number blank.

How the case reached the Supreme Court

Kanha, also known as Kanhaiya Singh, challenged the Indore Bench of the Madhya Pradesh High Court's order of 20 March 2026 refusing regular bail. The present prosecution concerns Crime No. 548/2025 registered at Station Road Police Station in Ratlam. It invokes provisions of the Bharatiya Nyaya Sanhita, 2023, the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to the accusation recorded in the Supreme Court order, the appellant was a tenant near the complainant family. An earlier case arose from an alleged attempt to abduct the victim's elder sister. The minor later reported that he had sexually exploited her for about a month, leading to the present case. These are allegations before the trial court, not findings of guilt in the present prosecution.

The appellant said the new case had been brought to harass him because of his relationship with the elder sister. The State opposed bail, emphasizing the seriousness of the allegation and saying that the appellant had been convicted in the earlier case on 1 July 2026. His counsel said he had appealed that conviction. The State also told the Court that five of the fifteen proposed prosecution witnesses had been examined.

Why the High Court's reasoning was rejected

The Supreme Court read the High Court's refusal as relying on possible ramifications for the social order and the victim family's "morals." It rejected the use of a presiding judge's personal moral assessment as a basis for deciding bail. The point extends to the conduct of a criminal trial: judicial decisions must rest on legally relevant considerations rather than the judge's personal value judgments.

The ruling does not say that the alleged offence is minor or that the victim's interests are irrelevant. The allegations remain serious. The Court's objection was to the moral reasoning used to refuse liberty in this case, while the bail decision also turned on the period already spent in custody and the time still needed to finish the trial.

Custody, trial progress and the actual order

The appellant had been in custody since 10 September 2025. At the hearing in September 2026, the prosecution had examined five of fifteen proposed witnesses. The Supreme Court concluded that the trial would take more time and that, in those circumstances, a case for bail had been made out.

It allowed the appeal and set aside the High Court's order. It directed that the appellant be produced before the jurisdictional Special Court within a maximum of seven days from 23 September 2026. The Special Court was to set appropriate terms and conditions for bail.

There is an important limit: the Supreme Court expressly made this bail order subject to the appellant being in custody in the connected criminal appeal challenging his conviction in the earlier case. Bail in the present prosecution therefore does not, by itself, release him from custody that may continue under the other case.

Practical significance

The decision is useful where a bail refusal relies on general moral disapproval or an assumed effect on a family's morals instead of a grounded assessment of the case. It also illustrates why actual time spent in custody and the progress of prosecution evidence matter when trial completion remains some way off.

It is a case-specific bail order, not an automatic right to bail after one year or a decision on the appellant's guilt. Lawyers relying on it should identify the precise impugned reasoning, the custody period, the number of witnesses remaining and any separate custody order.

This commentary is independent legal analysis for general information. Read the complete signed order and check later proceedings before relying on the decision in a case.