

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl. A. No. 8 of 2025

National Investigation Agency

Appellant

Vs.

Suraj Jaiswal

Respondent

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH
(ORDER)**

(K. SOMASHEKAR, C.J.)

04.09.2025

[1] This appeal has been preferred by the National Investigation Agency under the relevant provision of the National Investigation Agency Act, 2008 against the order rendered by the learned Special Judge (NIA) Manipur in Cril. Misc. (Bail) Case No. 55 of 2024 arising out of NIA Case No. RC-08/2022/NIA-DLI *vide* Annexure-A, for the offences punishable under Section 120B and other offences under the Indian Penal Code, 1860, besides Sections 17, 18, 38, 39 & 40 of the Unlawful Activities (Prevention) Act, 1967.

[2] This appeal is slated for admission and therefore with the consent of the learned CGSC for the appellant/NIA, Mr. BR Sharma and so also the learned senior counsel for the respondent/accused, Mr. L. Shashibhushan, the matter has been taken up for final disposal even at the stage of admission.

[3] The factual matrix of this appeal are as under:

It is stated in the materials which have been collected by the Investigating Agency during the course of the investigation for the aforesaid

offences and it reveals as that the Central Government has received some information about the alleged accused person that the active cadres of the terrorist organizations including the respondent/accused who are arrayed as accused in the FIR said to have been recorded by the Investigating Agency. It further reveals the involvement of this accused and also the roles made by this accused along with the co-accused on its part of the terrorized organization having arranged some sort of a report.

It is further revealed that the crime said to have been recorded by the concerned Investigating Agency by recording an FIR under the relevant provision of the Code of Criminal Procedure. Subsequent to recording an FIR that the Investigating Agency has taken up the investigation for investigation, during the investigation, the I.O. has recorded the statement of witnesses and so also conducted the mahazar in the presence of the witnesses have been secured. Apart from that, securing the documents and thereafter filing of a charge sheet against the accused under the relevant provision of the Code of Criminal Procedure before the concerned Court. Whereas the accused is required to facing of the trial for the offences which lugged against him in the charge sheet in respect of the aforesaid NIA Case as being registered by the Investigating Agency.

[4] Heard the learned CGSC for the appellant, Mr. BR Sharma and so also the learned senior counsel for the respondent/accused, Mr. L. Shashibhushan, perused the impugned order dated 01.07.2024 passed by the learned Special Judge (NIA), Manipur in Cril. Misc. (Bail) Case No. 55 of 2024

[5] The learned CGSC for the appellant, BR Sharma has taken us through materials available on record for involvement of the accused for commission of the offence and so also the actual role made by this accused, however, the learned Special Judge (NIA), Manipur has rendered the bail order dated 01.07.2024 by imposing certain suitable conditions, despite of some direct materials available against the accused for commission of an offence and therefore in this appeal, it is required for intervention of the order, if not, there shall be some miscarriage of justice.

[6] It is further contended by urging various grounds that the accused have alleged to commit the offences which are reflected in the charge sheet as being laid against the accused, on these premises seeking for intervention and further emphatically submitted for setting aside the aforesaid impugned order by granting the bail to the respondent/accused.

[7] Lastly, the learned CGSC has submitted that the offences leveled against the accused is under the Indian Penal Code 1860 and so also the offences under the Unlawful Activities (Prevention) Act, 1967. Whereas the materials which are collected by the I.O. by filing a charge sheet against the accused person which reveals in respect of the offences leveled against him and therefore the accused does not deserve for bail as he sought for, despite of the learned Special Judge has rendered the bail order without looking into the materials available on record and more so there are prima facie materials levelled against the accused for commission of the offence with the co-accused persons and therefore consideration of the grounds has been urged in this appeal and seeking

for setting aside the impugned order rendered by the Special Judge on 01.07.2024.

[8] On contrary, the learned senior counsel for the respondent/accused, Mr. L. Shashibhushan has taken us through the materials available on record and so also countered to the arguments advanced by the learned CGSC for the appellant. The I.O. has recorded the FIR against the accused under Section 120B of the Indian Penal Code, 1860 and inclusive of the offences under the Unlawful Activities (Prevention) Act, 1967 and inclusive of the offences under the Foreigners Act, whereas the Investigating Agency has laid the charge sheet against the accused by recording statement of witnesses and also drew mahazar in the presence of punch witnesses and the same has been considered by the Special Judge and rendering the bail order which has been challenged under this appeal. However, the accused is required to facing of a trial for the offences which are leveled against him in the charge sheet, the co-accused has already been granted bail but mere because of filing of a charge sheet against the respondent/accused and it cannot be arise for seeking for intervention in respect of cancellation of the bail as being granted by the Special Judge, by urging the various grounds by the learned CGSC for the appellant.

[9] Lastly, learned senior counsel for the respondent/accused in this matter submits that the bail has already been granted by the Special Judge by looking into the materials available on record in respect of the offences and more so there is no violation of any condition imposed by the Special Judge while granting the bail and therefore in this appeal, it does not arise for intervention for cancellation of the bail, mere because filing an appeal under the relevant provision of the NIA Act and there is no acceptable ground being urged by the

learned CGSC for seeking intervention and cancellation of the bail as already being granted by the Special Judge.

[10] Whereas keeping in view the submission which is made by the learned CGSC for the appellant, Mr. BR Sharma and so also the submission which is made by the learned senior counsel for the accused/respondent, Mr. L. Shashibhushan in this matter, it is required to be looked into the materials available on record for the offences which are levelled against the accused, however, in this appeal, it does not arise for dwelling in detail about the charge sheeted materials collected by the Investigating Agency during the course of the investigation wherein the I.O. has recorded the statement of witnesses as under Section 161 of Code of Criminal Procedure and inclusive of the provision of Section 162 and so also drew the mahazar in the presence of the punch witnesses and thereafter filing of charge sheet against the accused. When once the charge sheet has been laid by the I.O. against the accused and more so the I.O. is required to facing of a trial for taking some various defenses and the prosecution is required to prove the guilt against the accused for the offences which are levelled against him and therefore at this stage, it cannot be arise for dwelling in detail about the materials which find place in the charge sheet and therefore it is said that there are no substances in the contention of the learned CGSC for the appellant for seeking intervention and also seeking for cancelling of the bail as being granted by the learned Special Judge.

[11] However, in a given peculiar facts in this matter are concerned, it is deemed appropriate to state that the Hon'ble Supreme Court of India in various judgments has rendered relating to bail provision and more so bail is a rule, jail is an exception and this scope has already been addressed by the Hon'ble

Supreme Court of India in various judgment. Therefore, it is said that at this stage it does not arise for dwelling in detail about the materials available on record.

[12] In view of the aforesaid reasons and findings we have to proceed to pass the following order:

(a) The appeal preferred by the appellant/National Investigation Agency is hereby dismissed.

(b) Consequent upon dismissal of this appeal, the order rendered by the Special Judge (NIA) Manipur dated 01.07.2024 in the proceeding of Cril. Misc. (Bail) Case No. 55 of 2024 is hereby confirmed.

Sandeep

JUDGE

CHIEF JUSTICE