

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

Crl. Petn. No.13 of 2026

The State of Tripura, represented by the Secretary to the Government of Tripura, Home Department, Agartala.

.....Petitioner

VERSUS

Sri Sudip Goswami, son of Brajalal Goswami, resident of Rabindranagar, Ward No.51, Rentus Colony, P.S. East Agartala, District: West Tripura.

.....Respondent

BEFORE

HON'BLE JUSTICE DR. T. AMARNATH GOUD

For Petitioner(s)	: Mr. R. Datta, P.P.
For Respondent(s)	: Mr. S. Sarkar, Sr. Advocate. Mr. Dhiman Gope, Advocate.
Date of hearing	: 16.03.2026
Date of judgment	
And order	: 23.03.2026
Whether fit for reporting	: YES

_F_I_N_A_L_O_R_D_E_R_

[1] When the case is called, both sides present. Mr. S. Sarkar, learned senior counsel appearing for the respondent-accused has submitted his written objection and a copy of the same also served on Mr. R. Datta, learned P.P. appearing for the petitioner-State. In view of the urgency explained, the matter has been taken up today.

[2] Heard Mr. R. Datta, learned P.P. appearing for the petitioner-State and Mr. S. Sarkar, learned senior counsel assisted by Mr. D. Gope, learned counsel appearing for the respondent.

[3] This is an application filed under Section-528 of BNSS for setting aside/quashing the order dated 27.02.2026 passed in B.A. No.29 of 2026 by the learned Addl. Sessions Judge, Court No.4, Agartala, West Tripura, whereby the respondent-accused person has been granted bail.

[4] The petitioner has prayed for the following reliefs:

“It is, therefore, humbly prayed that Your Lordships would be graciously pleased to set aside/quash the order dated 27.02.2026 passed in B.A. No.29 of 2026 by the learned Addl. Sessions Judge, Court No.4, Agartala, West Tripura, whereby the respondent-accused person has been granted bail.”

[5] The facts in brief are that the present criminal petition has been filed by the State of Tripura challenging the legality and propriety of the order dated 27.02.2026 passed by the learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala in B.A. No.29 of 2026, whereby the respondent/accused Sri Sudip Goswami was released on bail in connection with PRC (WP) 416 of 2025 arising out of West Agartala P.S. Case No. 2025 WAG070. The case involves serious allegations of submission and use of forged official documents, including a memorandum for Council of Ministers purportedly bearing the signature of the Hon'ble Chief Minister of Tripura, for securing wrongful gain in public employment. During investigation, the SPIO, Directorate of Medical Education, reported that such document had never been supplied, and an enquiry committee also raised serious doubts regarding authenticity. The accused subsequently informed the investigating officer in writing that the documents were lost giving rise to suspicion and necessitating custodial interrogation.

[6] The learned Chief Judicial Magistrate, West Tripura, Agartala, by a detailed order dated 24.02.2026, rejected the bail prayer after perusing the materials and recorded specific findings regarding the sensitive nature of the documents, the necessity of custodial interrogation, and the possibility of tampering with evidence. Further investigation had already been permitted on 23.02.2026 and the case was technically under investigation. However, within three days of remand and the matter was fixed by District & Sessions Judge for hearing on 02.03.2026 and made over the case to the learned Addl. Sessions Judge, Court No.4, Agartala, West Tripura though the case was fixed on 02.03.2026 but took up the matter on 27.02.2026 without recording urgency for advancement and granted bail. The impugned order does not reflect proper consideration of the case diary, or the detailed findings that got recorded earlier by the learned CJM. The order suffers from non-application of mind, procedural impropriety, and misapplication of settled principles governing bail.

[7] Hence, the present petition has been filed before this Court seeking setting aside of the impugned order dated 27.02.2026 passed in BA 29 of 2026.

[8] Mr. R. Datta, learned P.P. appearing for the petitioner-State has submitted that the impugned order dated 27.02.2026 granting bail to the accused suffers from serious non-application of mind and improper exercise of judicial discretion, inasmuch as it fails to adequately consider the gravity and seriousness of

the allegations involving submission and use of forged official documents, including a "Memorandum for Council of Ministers" purportedly bearing the signature of the Hon'ble Chief Minister of Tripura, for securing wrongful gain in public employment. The learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala failed to consider that learned Chief Judicial Magistrate, by a detailed and reasoned order dated 24.02.2026 in PRC (WP) 416 of 2025, had recorded specific findings after perusal of the case record that the documents in question were highly sensitive in nature, touching the internal functioning and secrecy of the Council of Ministers and that custodial interrogation was necessary; the learned Sessions Court failed to properly address or dislodge those findings.

[9] The learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala failed to consider that further investigation had already been permitted on 23.02.2026 and at the time of remand the case was technically under investigation; the impugned order overlooks the settled principle that when further investigation is in progress and recovery of crucial documents is pending, custodial interrogation may be justified notwithstanding earlier non-arrest during initial investigation. The learned Court below erred in proceeding primarily on the premise that the accused was not arrested during investigation, without appreciating that subsequent developments i.e. including the enquiry report, forensic opinion, and the suspicious conduct of the accused in claiming that the documents were "lost" materially altered the factual situation and warranted custody.

[10] The learned Court below failed to consider that the learned Chief Judicial Magistrate had specifically recorded a reasonable apprehension that if released, the accused could tamper with documentary evidence and influence official witnesses connected with the Directorate of Medical Education and other government offices the impugned order does not adequately neutralize or address this apprehension. The impugned order does not reflect that the complete case diary was called for and thoroughly examined before reversing the remand order dated 24.02.2026, in a case of such magnitude involving alleged forgery of high-level governmental documents, perusal of the case diary was indispensable prior to forming an opinion that custody was unwarranted.

[11] The learned Court below erred in holding that custodial interrogation was not warranted, despite the specific submission of the prosecution that certain vital documents were in the exclusive possession and knowledge of the accused

and recovery thereof required sustained custodial interrogation. The learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala while granting bail to the accused person, failed to call for and peruse the case diary so as to ascertain whether, pursuant to the order permitting further investigation dated 23.02.2026, any additional incriminating materials or evidence had been collected against the accused. In a case where further investigation had already been allowed and custodial interrogation was being undertaken pursuant to a reasoned remand order dated 24.02.2026 passed in PRC (WP) 416 of 2025, examination of the updated case diary was indispensable before forming an opinion that further custody was unwarranted. The failure to undertake such scrutiny vitiates the exercise of discretion and renders the impugned order legally unsustainable.

[12] The learned Court below failed to appreciate that the learned Chief Judicial Magistrate had invoked statutory provisions relating to remand during pendency of further investigation, recording reasons that further evidence was likely to be obtained through custodial interrogation, such statutory reasoning has not been meaningfully considered or rebutted in the impugned order passed by the learned Addl. Sessions Judge.

[13] Although the matter was fixed for hearing on 02.03.2026, without any recorded urgency, exceptional circumstance, or compelling exigency, the case was preponed and taken up on 27.02.2026 and bail was granted within even calling the case diary and within three days of remand, thereby depriving the prosecution of reasonable opportunity to place the updated progress of investigation. The hurried consideration and grant of bail, while further investigation was underway and recovery of allegedly forged and lost documents remained pending, has caused serious prejudice to the prosecution and undermined the effective conduct of investigation in a matter affecting public administration and governmental integrity.

[14] The impugned order proceeds on an erroneous assumption that absence of arrest during initial investigation creates an indefeasible right to bail, whereas the law laid down by the Hon'ble Apex Court in the cases of Aman Preet Singh v. CBI, Satender Kumar Antil v. CBI and Siddharth v. State of Uttar Pradesh does not prohibit arrest or custody where further investigation reveals necessity for custodial interrogation. The learned Court below has failed to consider that the gravity and seriousness of the allegations, which involve manipulation of official

documents and matters connected with governmental decision-making process, have far-reaching public ramifications and affect institutional integrity.

[15] It has been further contended that the learned Court below did not record any finding that the prosecution's apprehension regarding tampering with documentary evidence was unfounded, nor did it assess the possibility of the accused influencing or pressurizing witness who are subordinate officials or otherwise connected with the accused. The order granting bail does not adequately consider that further investigation under BNSS had already been allowed and such stage of investigation is a critical phase during which release of the accused is likely to impede effective collection of evidence.

[16] The learned Court below treated the issuance of summons at the stage of cognizance as determinative of entitlement to bail, without considering that subsequent developments, including the need for recovery of documents and confrontation with materials collected during further investigation, justified custodial interrogation. The learned Court below has failed to apply the settled principle that while granting bail in serious offences involving public documents and governmental process, the Court must balance individual liberty with societal interest and the requirement of a fair and unhindered investigation.

[17] The conditions imposed in the impugned order are insufficient safeguards in the facts and circumstances of the case and do not adequately protect against tampering with documentary evidence or influencing material witnesses. The impugned order suffers from non-consideration of material aspects placed by the prosecution and thus is legally unsustainable, warranting interference by this Court. It is well settled bail once granted can be cancelled where the order granting bail is perverse, based on misapplication of law, ignores material consideration, or if passed in undue haste, the impugned order, having failed to balance individual liberty with societal interest and the requirement of a fair and unhindered investigation, is liable to be set aside.

[18] Mr. Datta, learned PP appearing for the petitioner-State in support of his arguments has placed reliance on some decisions of the Hon'ble Apex Court in *Bharatbhai Bhimabahi Bharwad v. State of Gujarat and Others*, reported in (2020) 18 SCC 693, *Ajwar v. Waseem and Another a/w other*, reported in (2024) 10 SCC 768, *Shabeen Ahmad v. State of Uttar Pradesh and Another*, reported in

(2025) 4 SCC 172 and State of Karnataka v. Sri Darshan Etc, reported in (2025) SCC Online SC 1702.

[19] In reply, Mr. S. Sarkar, learned senior counsel appearing for the respondent-accused has submitted at the outset that the present petition under Section-528 of BNSS for setting aside the order dated 27.02.2026 passed by the learned Court below is not maintainable in its present form and nature inasmuch as, it is settled law that the provision of Section-528 of BNSS cannot be invoked if there is a specific provision in the statute for the redress of the grievance of the aggrieved party i.e. the cancellation of bail. There is no direct evidence linking the accused with the crime. The police has filed charge-sheet merely on suspicion and based on the witnesses who are totally doubtful.

[20] The learned Court below allowed the urgent hearing application of the accused and on the same date without even calling the case diary, hurriedly the case was heard and released the accused on bail without considering the fact that the further investigation of the case had already been allowed and custodial interrogation was being undertaken pursuant to a reasoned remand order dated 24.02.2026 passed in PRC (WP) No.416 of 2025, such type of argument made by the learned P.P. for the petitioner-State cannot be accepted and completely false and fabricated.

[21] From the observation of the learned Court below it is crystal clear that the learned Addl. Sessions Judge has passed a reasoned order observing with the principles governing arrest and bail. Moreover, it is also transpired that the learned Addl. P.P. who appeared during the hearing of bail application before the learned Court below did not make any submission in respect of calling for case diary. It is further categorically denied the statement of the petitioner to the effect that the case involves grave allegations of submission and use of forged official documents, including a memorandum for Council of Ministers, purportedly bearing the signature of the Hon'ble Chief Minister for securing wrongful gain in public employment.

[22] Neither in complaint nor in the charge-sheet it has been disclosed that the alleged disputed document namely memorandum for the Council of Ministers bears the signature of the Hon'ble Chief Minister of Tripura. But the petitioner has deliberately misguided this Court by suppressing the fact just to entangle the accused in a false case and also tried to false narrative in order to create sensational

news and adverse reaction amongst the mass public. Personal liberty of the individual is guaranteed by the Constitution of India and it is the matter of liberty of the accused who was in custody and the right of the accused in preponement of hearing in bail matter is also recognized by the Hon'ble Apex Court.

[23] Moreover, the prosecution did not raise any objection either on the put up petition filed on behalf of the accused seeking in preponement of hearing on bail matter nor did raise the same at the time of hearing of bail application. Moreover, the matter of early hearing of the bail application is discretion of the learned Court where the liberty of the individual at stake for the interest of justice. It also settled law that the interrogation of the accused can be done without being arrested and custodial remand of the accused, if the accused co-operates the investigation. As the objection on bail of the accused raised by the petitioner is not at all sustainable in the eye of law.

[24] It is well settled by a catena of judgments rendered by the Hon'ble Apex Court that the consideration for grant of bail and cancellation thereof are entirely different. The respondent fully cooperated with the I.O. of the case in the earlier phase of investigation also and has not misused the liberty granted to him. Further the personal liberty is guaranteed by the Constitution which is entitled by the respondent. The principle of law that bail is the rule jail is the exception, the Hon'ble Apex Court in a catena of recent judgments has time and again reaffirmed the aforesaid principle of law and as such, the bail granted to the respondent is liable to be continued as long as he complies with the conditions imposed by the learned Court below.

[25] It has been further averred that during the entire course of investigation the accused was not arrested. From the charge sheet itself, it is evident that upon receipt of notice under Section-35(3) (1) of BNSS, the accused appeared before the IO and cooperated with the investigation. The IO being satisfied that custodial interrogation was not necessary, did not arrest the accused and ultimately submitted charge sheet. It has been further contended that after filing of the charge-sheet and taking cognizance, the learned Court below issued summons to the accused for appearance. In the meantime, the IO submitted an application seeking permission for further investigation, which was allowed.

[26] In support of his case, learned senior counsel has placed his reliance on certain judgments of the Hon'ble Apex Court in ***Padal Venkata Rama Reddy v.***

Kovvuri Satyanarayana Reddy and Another, reported in (2011) 2 SCC 437 and *Aman Preet Singh v. Central Bureau of Investigation*, reported in (2022) 13 SCC 764.

[27] Heard the learned counsel appearing for the parties.

[28] It has been submitted by the learned PP that the investigation is presently at a crucial stage. The recovery of the original forged document, identification of other conspirators and seizure of digital devices connected with the fabrication of the document are essential steps which are yet to be completed. It has been also stated that being an influential person and having access to official circles, is in a position to manipulate records and influence witnesses. If he continues to remain at liberty, there exists a serious apprehension that he may destroy material evidence or intimidate witnesses which may severely prejudice the investigation.

[29] Case record and lower court record is called for and perused. The case was fixed on 02.03.2026 but on 27.02.2026 one “put up” request for urgent hearing was filed by the accused before the court of learned Addl. Sessions Judge, Court No.4, Agartala, West Tripura and on the same date without even calling the Case Diary(CD), hurriedly the case was heard by the learned Court and by an Order dated 27.02.2026 the learned Court below released the accused person on bail on the ground that the accused was not arrested during investigation and IO submitted charge sheet without arresting the accused and merely because further investigation has been allowed, it does not automatically warrant custodial remand of the accused. The learned Court below while granting bail to the accused person, failed to call for and peruse the Case Diary so as to ascertain whether, pursuant to the order permitting further investigation dated 23.02.2026, any additional incriminating materials or evidence had been collected against the accused. In a case where further investigation had already been allowed and custodial interrogation was being undertaken pursuant to a reasoned remand order dated 24.02.2026 passed in PRC (WP) 416 of 2025, examination of the updated Case Diary was indispensable before forming an opinion that further custody was unwarranted.

[30] It reveals from the record that in reply to RTI dated 16.04.2025, SPIO, DME supplied all the information sought by the accused except point No.9 i.e. copy of memorandum for Council of Ministers as it was not available at

Directorate of Medical Education. But, the accused submitted application along with some documents as enclosure to this Directorate regarding the promotion to the post of Chief Technical Officer (Central Workshop), dated 26.04.2025. Among those enclosures, the documents on serial page number 13 & 14 regarding copy of memorandum for Council of Ministers contains forged signature of State Public Information Officer, Directorate of Medical Education, Agartala, Tripura as this document never counter signed and supplied to the accused-respondent.

[31] The case involves grave allegations of submission and use of forged official documents, including a "Memorandum for Council of Ministers" purportedly bearing the signature of the Hon'ble Chief Minister of Tripura, for securing wrongful gain in public employment. The learned Chief Judicial Magistrate, by a detailed order dated 24.02.2026 in PRC (WP) 416 of 2025, after perusal of the case record, had recorded specific findings regarding the sensitive nature of the documents, the suspicious conduct of the accused in claiming that such documents were "lost," and the necessity of custodial interrogation in view of further investigation already permitted.

[32] In the above back ground, it is necessary to extract the "Put up" request/application filed by the accused for advancement/early hearing of bail petition. For the purpose of reference, the put up petition may be extracted hereinbelow:

"The petitioner respectfully submits as follows:

(1) That, the above case is not listed before this Hon'ble Court as of now.

(2) That, the matter is extremely urgent basis the petitioner on behalf of the accused person in custody wants to submit that petition.

(3) That, if the matter is not heard urgently, the petitioner will suffer a great loss and hardship.

Therefore, it is most humbly prayed that this Hon'ble Court may be pleased to direct that the above case put up for urgent hearing the earliest in the interest of justice.

AND

For this act of kindness the humble the petitioner as in duty bound shall ever pray.

Date

26/02/2026".

[33] In *Bharatbhai Bhimabahi Bharwad v. State of Gujarat and Others*, reported in (2020) 18 SCC 693, the Hon'ble Apex Court has held as under:

"9. It is well settled that the consideration applicable for cancellation of bail and consideration for challenging the order of grant of bail on the ground of arbitrary exercise of discretion are different. While considering the application

for cancellation of bail, the Court ordinarily looks for some supervening circumstances like; tampering of evidence either during investigation or during trial, threatening of witness, the accused is likely to abscond and the trial of the case getting delayed on that count etc. Whereas, in an order challenging the grant of bail on the ground that it has been granted illegally, the consideration is whether there was improper or arbitrary exercise of discretion in grant of bail. The appellant has challenged the very grant of bail on the ground of arbitrary exercise of discretion ignoring the relevant materials to be considered in the application for bail. Since the High Court proceeded under the footing as if the appellant had filed the application only for cancellation of bail for which, the consideration is different, the impugned order is liable to be set aside and the matter is remitted to the High Court for consideration of the matter afresh.”

[34] In *Ajwar v. Waseem and Another a/w other*, reported in (2024) 10 SCC 768, the Hon’ble Apex Court has observed as follows:

“26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer : Chaman Lal v. State of U.P. [Chaman Lal v. State of U.P., (2004) 7 SCC 525 : 2004 SCC (Cri) 1974] ; Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528 : 2004 SCC (Cri) 1977] ; Masroor v. State of U.P. [Masroor v. State of U.P., (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368] ; Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; Neeru Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527] ; Anil Kumar Yadav v. State (NCT of Delhi) [Anil Kumar Yadav v. State (NCT of Delhi), (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425] ; Mahipal v. Rajesh Kumar [Mahipal v. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .]

27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In *P v. State of M.P.* decided by a three judge Bench of this Court (authored by one of us (Hima Kohli, J), has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1) CrPC in the following words:

24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial. To put it differently, in ordinary

circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.”

28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.

30. Keeping in mind the aforesaid parameters, we may now proceed to examine the pleas taken by the parties so as to decide as to whether the impugned orders can be sustained or not. On a careful consideration of the entire records, we are inclined to agree with submission made by the learned counsel for the appellant complainant that the impugned orders are unjustified and suffer from grave infirmity. The primary factor that has swayed the learned Single Judge of the High Court in granting bail to the accused Waseem is that even though the prosecution version is that 11 accused persons had assaulted the appellant complainant and members of his family on indiscriminate firing taking place, only three persons had sustained injuries and two had expired on the side of the appellant complainant. At the same time, serious injuries were also received on the side of the accused which could not be explained by the prosecution. In the case of the accused Nazim, the High Court observed that there was no distinction between the role attributed to him and the co-accused Waseem and that the injuries suffered on the side of the respondent had not been explained by the prosecution. The High Court has also gone on to observe that the investigation conducted by the police was one-sided and the case set up by the accused side was ignored. In the case of Aslam, his bail application was allowed and the learned Single Judge observed that there is a cross-version of the incident inasmuch as the accused side had also received serious injuries which were not satisfactorily explained by the prosecution. In the case of Abubakar, noting that the co-accused Aslam was granted bail by a coordinate Bench and the case of Abubakar was similar to that of Aslam, he was granted the benefit of bail on grounds of parity.”

[35] In *Shabeen Ahmad v. State of Uttar Pradesh and Another*, reported in (2025) 4 SCC 172, the Hon’ble Apex Court has observed as under:

“A. Annulment of bail orders

18.1. This refers to the appellate or revisional power to set aside a bail order that is perverse, unjustified, or passed in violation of settled legal principles. It is concerned with defects existing at the time the bail was granted, without reference to subsequent conduct.

18.3. In *Purna v. Rambials*, it was held that a bail order can be set aside even in the absence of post-bail misconduct if it is found to be unjustified, illegal or perverse.

18.8. In *Anil Kumar Yadav v. State (NCT of Delhi)*, this Court reiterated that while no exhaustive list can be laid down, courts must always consider the totality of circumstances, including the seriousness of the offence, prima facie evidence, and potential for interference with the trial.

18.9. In *State of Kerala v. Mahesh*, it was observed that even under Article-136, where interference with bail orders is rare, this Court will exercise its powers if the bail order is found to be lacking application of mind or based on irrelevant considerations.

B. Cancellation of bail-

18.10. As per Halsbury's Laws of England, the grant of bail does not set the accused at liberty in the absolute sense but merely shifts custody from the State to the sureties. Consequently, cancellation of bail entails an assessment of whether the accused has abused the liberty so conferred."

[36] In *Padal Venkata Rama Reddy v. Kovvuri Satyanarayana Reddy* and Another, reported in (2011) 2 SCC 437, the Hon'ble Apex Court has observed as under:

"13. It is well settled that the inherent powers under Section 482 can be exercised only when no other remedy is available to the litigant and not in a situation where a specific remedy is provided by the statute. It cannot be used if it is inconsistent with specific provisions provided under the Code.- (vide *Kavita v. State* (2000 Cr LJ 315) and *B.S. Joshi v. State of Haryana & Anr.* ((2003) 4 SCC 675). If an effective alternative remedy is available, the High Court will not exercise its powers under this section, specially when the applicant may not have availed of that remedy.

14. The inherent power is to be exercised ex debito justitiae, to do real and substantial justice, for administration of which alone Courts exist. Wherever any attempt is made to abuse that authority so as to produce injustice, the Court has power to prevent the abuse. It is, however, not necessary that at this stage there should be a meticulous analysis of the case before the trial to find out whether the case ends in conviction or acquittal. (Vide *Mrs. Dhanalakshmi vs. R. Prasanna Kumar & Ors.* AIR 1990 SC 494; *Ganesh Narayan Hegde vs. S. Bangarappa & Ors.* (1995) 4 SCC 41; and *M/s Zandu*."

[37] In *Aman Preet Singh v. Central Bureau of Investigation*, reported in (2022) 13 SCC 764, the Hon'ble Apex Court has observed as under:

"10. The said paragraph deals with directions issued to the criminal courts and we would like to extract the portion of the same as under. (Court on its own motion case, SCC OnLine Del para 26)

"26. Arrest of a person for less serious or such kinds of offence or offences those can be investigated without arrest by the police cannot be brooked by any civilised society.

Directions for criminal courts:

(1) Whenever officer-in-charge of police station or investigating agency like CBI files a charge-sheet without arresting the accused during investigation and does not produce the accused in custody as referred in Section 170 CrPC the Magistrate or the court empowered to take cognizance or try the accused shall accept the charge-sheet forthwith and proceed according to the procedure laid down in Section 173 CrPC and exercise the options available to it as discussed in this judgment. In such a case the Magistrate or Court shall invariably issue a process of summons and not warrant of arrest.

(if) In case the court or Magistrate exercises the discretion of issuing warrant of arrest at any stage including the stage while taking cognizance of the charge-sheet, he or it shall have to record the reasons in writing as contemplated under Section 87 CrPC that the accused has either been absconding or shall not obey the summons or has refused to appear despite proof of due service of summons upon him.

(iii) Rejection of an application for exemption from personal appearance on any date of hearing or even at first instance does not amount to non-appearance despite service of summons or absconding or failure to obey summons and the court in such a case shall not issue warrant of arrest and may either give direction to the accused to appear or issue process of summons.

(iv) That the Court shall on appearance of an accused in a bailable offence release him forthwith on his furnishing a personal bond with or without sureties as per the mandatory provisions of Section 436 CrPC

(v) The Court shall on appearance of an accused in non-bailable offence who has neither been arrested by the police/Investigating Agency during investigation nor produced in custody as envisaged in Section 170 CrPC call upon the accused to move a bail application if the accused does not move it on his own and release him on bail as the circumstance of his having not been arrested during investigation or not being produced in custody is itself sufficient to entitle him to be released on bail. Reason is imply. If a person has been at large and free for several years and has not been even arrested during investigation, to send him to jail by refusing bail suddenly, merely because charge-sheet has been filed is against the basic principles governing grant or refusal of bail.”

[38] Further investigation of the case had already been allowed on 23.02.2026, and the case was technically under investigation at the time the accused was remanded. The learned Chief Judicial Magistrate had specifically observed that improper or incomplete investigation in a matter touching the internal functioning and secrecy of the Council of Ministers may prejudice not only the prosecution but the State at large. It is also not reflected that the complete Case Diary were called for and thoroughly examined before reversing the remand order. Such seriousness involving alleged forgery of high-level government documents, judicial scrutiny of the case diary was indispensable prior to forming an opinion that custodial interrogation was unwarranted.

[39] The matter was fixed for hearing on 02.03.2026, without any recorded urgency or compelling exigency, the case was taken up on 27.02.2026 and the accused was released on bail within three days of being remanded to judicial custody. It is to be noted that 28.02.2026 Saturday, 01.03.2026 falls on Sunday. Moreover, the “put up” request made is not recognized by Cr. P.C. and BNSS and also by any State amendment or State laws or criminal rules of practice. The said “put up” request also does not indicate any urgency to take up the matter out of turn by way of advancement. There is no advancement or adjournment provision of law recognized under erstwhile Cr.P.C. or present BNSS. In the innovation of short cuts is not permissible by law in absence of a procedure under the law. No exceptional circumstance is reflected in the order justifying such preponement or immediate release, particularly when further investigation was underway and report was awaited. No separate orders are passed on the so called “put up” application. Without deciding the same, orders of bail are granted. The hurried consideration and grant of bail, without awaiting progress of custodial interrogation or investigation, has caused serious prejudice to the prosecution and amounts to non-application of mind.

[40] After over all analysis, I am of the opinion that the judgments relied by the counsel for respondent are not applicable to the facts of the case. Further, considerations applicable for cancellation of bail and considerations for challenging the order of grant of bail on ground of arbitrary exercise of discretion are different. While, considering application for cancellation of bail, Court ordinarily looks for some supervening circumstances like tampering of evidence, threatening of witnesses; in an order challenging the grant of bail on the ground that it has been granted illegally, consideration is whether there was improper or arbitrary exercise of discretion. Cancellation of bail is different from setting aside orders of granting bail. In that view of the matter, this Court is of the opinion that ends of justice would met if the petition is allowed by setting aside the impugned order passed by the learned Court below and remand the matter to the concerned District & Sessions Judge Court for fresh adjudication and, accordingly, the same is ordered.

[41] In view of above observation and direction, the present petition stands disposed of. As sequel, miscellaneous application, pending if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh