2026 INSC 144

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Certified to be true copy
Assistant Registrar (Judl.)
18-2-26
.....2026
Supreme Court of India

CRIMINAL APPEAL NO. 825 OF 2026
[Arising out of SLP (Crl.) No. 12669 of 2025]

ZEBA KHAN ...**APPELLANT(S)**

VERSUS

26024159

STATE OF U.P. & OTHERS ...**RESPONDENT(S)**

J U D G M E N T

R. MAHADEVAN, J.

Leave granted.

2. The present Criminal Appeal is directed against the Judgment and Order dated 30.07.2025 passed by the High Court of Judicature at Allahabad[1] in Criminal Miscellaneous Bail Application No. 22824 of 2025, whereby the High Court granted bail to Respondent No. 2, Mazahar Khan, in connection with FIR No. 314 of 2024 registered at Police Station Saray Khwaja, District Jaunpur, Uttar Pradesh, for offences punishable under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860[2].

Signature Not Verified
Digitally signed by SACHIN KUMAR SRIVASTAVA
Date: 2026.02.11 18:08:05 IST
Reason:

[1] Hereinafter referred to as "the High Court"
[2] For short, "IPC"

FACTUAL BACKGROUND

3. The prosecution case, as borne out from the record, is that FIR No. 314 of 2024 dated 23.08.2024 was lodged by the complainant alleging the existence of a large-scale organised scam and racket involving fabrication and circulation of forged legal qualifications and academic certificates, particularly within the State of Uttar Pradesh. It is alleged that under the said racket, individuals were falsely projecting themselves as advocates and were appearing before this Court as well as various High Courts.

4. The specific allegations against Respondent No. 2 are that he had been continuously residing in the State of Maharashtra for substantial periods, including between the years 2016 and 2019. During the said period, Respondent No. 2 neither took admission in any recognised law college in Uttar Pradesh nor appeared in any law examination. Despite this, he allegedly fabricated and procured a forged Bachelor of Laws (LL.B.) degree and corresponding marksheets bearing Enrolment / Roll No. PU-16/6710273, purportedly issued by Sarvodaya Group of Institutions, claimed to be affiliated with Veer Bahadur Singh Purvanchal University, Jaunpur, Uttar Pradesh. It is further alleged that the said forged decree and marksheets were subsequently used by Respondent No. 2 to falsely project himself as a duly qualified advocate.

5. The complainant further alleged that upon verification, Veer Bahadur Singh Purvanchal University, Jaunpur, by letter dated 10.08.2024, categorically informed that Sarvodaya Group of Institutions was not affiliated with the University and that the marksheet relied upon by Respondent No. 2 was never issued by the University. It was also stated that Respondent No. 2 had been preparing, using and circulating such forged degrees and certificates not only for himself but also for others, thereby operating a systematic racket for supplying fake academic qualifications. In furtherance thereof, Respondent No. 2 allegedly printed and circulated visiting cards bearing the national emblem "Satyameva Jayate" falsely displaying multiple academic qualifications such as LL.B., LL.M. and Ph.D., all purportedly obtained through fraudulent means. These acts were intended to lend legitimacy to Respondent No. 2, attract unsuspecting persons, and induce them into procuring forged degrees through him. The FIR records that these activities were not isolated but formed part of a larger criminal conspiracy involving several fake degree holders linked with Respondent No. 2.

6. Pursuant to the aforesaid FIR, Respondent No. 2 was arrested on 28.04.2025. His bail application was rejected by the learned Sessions Judge, Jaunpur, *vide* order dated 12.05.2025. Thereafter, Respondent No. 2 approached the High Court by filing Criminal Misc. Bail Application No. 22824 of 2025,

which came to be allowed by the impugned order dated 30.07.2025. Aggrieved thereby, the complainant / appellant has preferred the present Criminal Appeal.

CONTENTIONS OF THE PARTIES

7. The learned counsel for the appellant submitted that the High Court while granting bail to Respondent No. 2, completely ignored material evidence available on record and proceeded on false, misleading and suppressed facts presented on behalf of the said respondent. It was contended that Respondent No. 2 deliberately concealed the existence of as many as nine FIRs registered against him in order to secure a favourable bail order. The allegations in these FIRs relate to serious offences including forgery, cheating, sexual harassment, criminal intimidation, theft, trespass and rioting.

7.1. It was further submitted that the High Court committed a manifest error in placing reliance on a copy of the result with marks downloaded from an online verification portal, which was produced by Respondent No. 2 to substantiate his claim of possessing a valid LL. B degree. Respondent No. 2 is, in fact, accused of having forged the marksheets and degree pertaining to the very same result. Even otherwise, the downloaded marksheet itself contains a categorical disclaimer that it cannot be treated as an original marksheet. This vital and material aspect was completely overlooked by the High Court while exercising its jurisdiction.

7.2. The learned counsel submitted that the High Court failed to take into consideration the letter issued by Veer Bahadur Singh Purvanchal University, which categorically states that the University has never issued any LL. B degree or marksheet to Respondent No. 2. Equally ignored was the communication issued by Sarvodaya Vidyapeeth Mahavidyalaya, which unequivocally records that the said institution does not offer any law course whatsoever.

7.3. It was further submitted that Respondent No. 2 falsely projected himself as an innocent victim by asserting that he was unaware of the forged nature of the LL. B. degree. This claim, it was contended, is demonstrably false. Even after registration of the present FIR, and despite the degree being *prima facie* found to be forged, Respondent No. 2 clandestinely appeared before this Court and managed to secure membership of the Supreme Court Bar Association, thereby continuing his misrepresentation.

7.4. The learned counsel submitted that subsequent to the registration of the present FIR in the year 2024, four additional FIRs have been lodged against Respondent No. 2. Out of these, three FIRs were registered by different Universities across two States, namely Maharashtra & Karnataka, and pertain to offences relating to forgery and facilitation of forged academic degrees in diverse disciplines including law and M. Phil (Health Sciences).

7.5. It was further submitted that Respondent No. 2 is the President of a Public Education Trust which runs Kohinoor Arts, Commerce and Science College. An FIR registered by Yashwantrao Chavan Maharashtra Open University reveals a

gross abuse of position by Respondent No. 2. The said college was an examination centre for the University, where Respondent No. 2 himself was appearing for the M.A. (Hindi) examination. A fact-finding committee constituted by the University recorded that Respondent No. 2 coerced teachers of the college to write the examination on his behalf by exploiting his position as President of the institution.

7.6. It was submitted that after issuance of notice by this Court *vide* order dated 18.08.2025, Respondent No. 2 grossly abused the liberty granted to him by stalking and intimidating the appellant with the intent of forcing her to withdraw the proceedings. It was further alleged that Respondent No.2 clandestinely took photographs of the appellant and circulated them on social media platforms in order to malign and defame her. Additionally, Respondent No. 2 secured admission into an LL. M. programme at Sandip University, Nashik, by once again relying upon the very same forged and fabricated LL. B. degree.

7.7. The learned counsel pointed out that despite a specific direction issued by this Court *vide* order dated 22.09.2025, Respondent No. 2 disclosed only four out of the nine FIRs in his counter affidavit. Further, in the petition filed before the High Court seeking quashing of the present FIR, Respondent No. 2 falsely asserted that he had no criminal antecedents. In the said petition, he portrayed himself as a practising advocate of this Court in order to trivialise the allegations and claim reputational injury. Contradictorily, in the bail application filed before

the High Court, Respondent No. 2 stated that he does not practise as an advocate in any court of law, thereby clearly approbating and reprobating to suit his convenience.

7.8. It was further submitted that the State Bar Council of Maharashtra and Goa, after issuance of notice by this Court in the present proceedings, removed the enrolment of Respondent No. 2 and debarred him from practice as an advocate.

7.9. The learned counsel submitted that the Bombay High Court, Aurangabad Bench, *vide* order dated 23.09.2025 made scathing observations against Respondent No. 2, noting his deliberate and repeated non-compliance with judicial orders, including orders passed by this Court. The High Court observed that Respondent No. 2 is a person of criminal turpitude with no respect for the rule of law, and that it was a travesty that such a person was heading an academic institution.

7.10. It was submitted that a holistic appraisal of the material on record clearly establishes that Respondent No. 2 not only forged his LL. B. degree to falsely project himself as an advocate, but has consistently approached courts with unclean hands. Even assuming *arguendo* that Respondent No. 2 did not himself forge the documents, the undisputed fact remains that he has repeatedly procured, relied upon and benefited from forged and fabricated degrees. As on date, it has come to light that Respondent No. 2 holds a forged LL. B. degree and a forged M. Phil. degree, on the basis of which he also obtained a doctorate.

There are further allegations of his active involvement in facilitating forged degrees for others.

7.11. The learned counsel submitted that Respondent No. 2 appears to be integrally connected with a larger, organised racket engaged in the manufacture, circulation and monetisation of forged academic degrees of reputed institutions. Being the head of an academic institution, Respondent No. 2 was uniquely positioned to operate such activities under a veneer of legitimacy, thereby posing a serious threat to public confidence in the education system and the administration of justice.

7.12. In view of the foregoing submissions, it was contended that the impugned order granting bail to Respondent No. 2 is wholly unsustainable both in law and on facts, and deserves to be set aside. Having regard to the nature, gravity and magnitude of the allegations, and in order to safeguard the integrity of the investigation as well as public confidence in the justice delivery system, the learned counsel also prayed for transfer of the investigation to a specialised agency.

8. The learned counsel appearing for Respondent No. 1 – State of Uttar Pradesh supported the submissions advanced on behalf of the appellant and prayed for setting aside the order granting bail to Respondent No. 2.

8.1. It was submitted that FIR No. 314 of 2024 came to be registered on the basis of a complaint lodged by the appellant against Respondent No. 2 and two others, alleging the existence of an organised racket involving forged LL. B. degrees and fabricated marksheets.

8.2. The learned counsel submitted that Respondent No. 2 is a history sheeter, with as many as nine criminal cases pending against him.

8.3. It was further submitted that the investigation has unearthed grave and serious allegations against Respondent No. 2, which are substantiated by official communications issued by statutory and academic authorities. Veer Bahadur Singh Purvanchal University, Jaunpur, Uttar Pradesh, *vide* its letter dated 10.08.2024 addressed to the appellant, categorically informed that Sarvodaya Group of Institutions was not affiliated with the said University and that the marksheet relied upon by Respondent No. 2 was never issued by the University. Further, Sarvodaya Vidyapeeth Mahavidyalaya, Mirganj, Jaunpur, *vide* its letter dated 09.05.2025 addressed to the Investigating Officer, stated that the college was granted recognition only for certain Bachelor of Arts courses by Veer Bahadur Singh Purvanchal University, and that it does not offer any LL.B. (law) course.

8.4. It was also submitted that as per the Bar Council of India, there are 23 colleges affiliated with Veer Bahadur Singh Purvanchal University, Jaunpur, which are recognised to offer either the three-year or five-year LL. B. courses. Significantly, Sarvodaya Group of Institutions does not find mention in the said

list of recognised law colleges, despite Respondent No. 2 claiming to have completed his three-year LL. B. course from the said institution.

8.5. The learned counsel further submitted that the enrolment details of Respondent No. 2 were forwarded to the Sub-Inspector by the District Bar Association, Chhatrapati Sambhajinagar, Maharashtra, *vide* letter dated 05.09.2024. Respondent No. 2 was enrolled as an advocate with the Bar Council of Maharashtra and Goa on 26.06.2023 bearing Roll No. MAH/ 2493/2023. It was also submitted that Respondent No. 2 secured membership of the Supreme Court Bar Association bearing Membership No. K-00408/OS, and that a temporary membership card valid for two years was issued to him on 04.12.2024.

8.6. It was urged that the nature of the allegations against Respondent No. 2 is extremely serious. His conduct, which includes falsely projecting himself as an advocate before courts and public authorities, reflects a deliberate and sustained abuse of the judicial process and constitutes a continuing offence, directly undermining public faith in the legal system.

8.7. In view of the aforesaid facts and circumstances of the case, the learned counsel submitted that the High Court erred in granting bail granted to Respondent No. 2 by the impugned order, which warrants interference by this Court.

9. *Per contra*, the learned counsel appearing for Respondent No. 2 – accused submitted that Respondent No. 2 was arrested on 28.04.2025 and was granted

bail by the High Court *vide* order dated 30.07.2025 after completion of investigation and filing of the chargesheet. It was contended that the present appeal is an abuse of the process of law and is motivated by long-standing family and property disputes.

9.1. It was further submitted that it is a well settled principle of criminal jurisprudence that *bail is the rule and jail the exception*, and that cancellation of bail is not to be ordered mechanically but only upon the existence of supervening circumstances such as misuse of liberty, tampering with evidence, intimidation or influence of witnesses, likelihood of absconding, or violation of bail conditions. According to the learned counsel, none of these circumstances arise in the present case.

9.2. It was contended that the record does not disclose any material suggesting a likelihood of tampering with evidence, nor has any perversity or patent illegality in the impugned order been demonstrated so as to justify interference by this Court under Article 136 of the Constitution. The bail granted by the High Court is neither arbitrary nor perverse and has been passed after due consideration of relevant factors, including the absence of any custodial necessity.

9.3. The learned counsel further submitted that Respondent No. 2 has not misused the liberty granted to him, has scrupulously complied with the bail conditions, and has neither intimidated witnesses nor obstructed the administration of justice. It was urged that Respondent No. 2 has cooperated

throughout the investigation, poses no flight risk, and has not committed any offence while on bail. It was submitted that mere reiteration of allegations contained in the FIR cannot constitute a valid ground for cancellation of bail.

9.4. It was also submitted that the FIR emanates from deep-rooted family and property disputes, particularly relating to the management and control of Kohinoor Education Society, Aurangabad, and other pending civil litigations between family members, including a Special Leave Petition stated to be pending before this Court. According to the learned counsel, the appellant has initiated multiple proceedings against Respondent No. 2 and his family members across different States and that the present criminal proceedings are intended as a pressure tactic in the backdrop of ongoing civil disputes.

9.5. It was further urged that Respondent No. 2 is not the main accused in most of the cases relied upon by the appellant and has been implicated primarily with the aid of Section 34 IPC. It was also pointed out that proceedings in Criminal Case No. 42 of 2025 arising out of FIR No. 314 of 2024 have already been stayed by the High Court in quash proceedings, and therefore, cancellation of bail at this stage would be wholly unwarranted and oppressive.

9.6. Accordingly, it was submitted that the present appeal is actuated by personal animosity and that no legally sustainable ground for cancellation of bail has been made out.

9.7. On these grounds, it was prayed that the appeal be dismissed as being devoid of merit.

10. The learned counsel appearing for Respondent No. 3 – Bar Council of India submitted that *vide* order dated 17.11.2025, the name of Respondent No. 2 along with his enrolment number has been removed from the rolls of the Bar Council and he has consequently been debarred from appearing before any court of law. It was further submitted that any order that may be passed by this Court shall be duly complied with by the Bar Council of India.

DISCUSSION AND FINDINGS

11. We have considered the submissions advanced by the learned counsel appearing for the parties and carefully perused the materials placed before us.

12. In the present appeal, the appellant seeks annulment of the bail granted by the High Court on the ground that the impugned order is manifestly perverse, legally untenable, and vitiated by non-application of mind. The High Court proceeded to grant bail by placing reliance on documents whose genuineness constitutes the very subject matter of the criminal prosecution, compounded by the suppression of material facts and serious criminal antecedents on the part of Respondent No. 2. Such an approach strikes at the very foundation of settled bail jurisprudence.

LEGAL PRINCIPLES GOVERNING ANNULMENT / CANCELLATION OF BAIL

13. It is trite that while personal liberty occupies a position of high constitutional value, an order granting bail does not enjoy immunity from appellate scrutiny where it is shown to be arbitrary, perverse, or passed in disregard of material considerations. The discretion to grant bail, though wide, is structured by well-settled legal principles and is neither uncanalised nor unfettered.

14. In ***State of Karnataka v. Sri Darshan Etc.***[3], and ***Yogendra Pal Singh v. Raghvendra Singh @ Prince and another***[4], this Court authoritatively clarified that cancellation of bail on account of post-bail misconduct stands on a fundamentally different footing from annulment of a bail order which is itself unjustified or legally unsustainable at its inception. An order granting bail is liable to be interfered with where it reveals reliance on irrelevant considerations, ignores relevant material, or suffers from perversity without the necessity of waiting for supervening circumstances.

15. In ***Manik Madhukar Sarve and others v. Vitthal Damuji Meher and others***[5], in which, one of us (Ahsanuddin Amanullah, J.) was a member of the Bench, this Court set aside the grant of bail in appeal, holding that the discretion

[3] 2025 SCC OnLine SC 1702
[4] 2025 SCC OnLine SC 2580
[5] (2024) 10 SCC 753

exercised by the High Court was vitiated. The Court comprehensively restated the parameters governing the exercise of jurisdiction to grant bail, including the nature and gravity of the accusation, the role attributed to the accused, criminal antecedents, the likelihood of tampering with evidence or witnesses, the risk of abscondence, and the overall impact on society. The following paragraphs are pertinent:

> *"**18.** Courts while granting bail are required to consider relevant factors such as nature of the accusation, role ascribed to the accused concerned, possibilities/chances of tampering with the evidence and/or witnesses, antecedents, flight risk et al. Speaking through Hima Kohli, J., the present coram in Ajwar v. Waseem [(2024) 10 SCC 768], apropos relevant parameters for granting bail, observed: (SCC paras 26-27)*
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> > *"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. [2004) 7 SCC 525 : 2004 SCC (Cri) 1974] ; Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC 528 : 2004 SCC (Cri) 1977] ; Masroor v. State of U.P. [(2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368] ; Prasanta Kumar Sarkar v. Ashis Chatterjee [(2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; Neeru Yadav v. State of U.P. [(2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527] ; Anil Kumar Yadav v. State (NCT of Delhi) [(2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425] ; Mahipal v. Rajesh Kumar [(2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .]*
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> > *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. [(2022) 15 SCC 211] 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: (SCC p. 224, para 24)*

> *'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 [Dolat Ram v. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237]. 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.'*
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> *(emphasis supplied)*

19. *In State of Haryana v. Dharamraj [(2023) 17 SCC 510 : 2023 SCC OnLine SC 1085], speaking through one of us (Ahsanuddin Amanullah, J.), the Court, while setting aside an order [Dharamraj v. State of Haryana, 2021 SCC OnLine P&H 4632] of the Punjab and Haryana High Court granting (anticipatory) bail, discussed and reasoned: (SCC paras 6-11)*

> *"6. A foray, albeit brief, into relevant precedents is warranted. This Court considered the factors to guide grant of bail in Ram Govind Upadhyay v. Sudarshan Singh [(2002) 3 SCC 598 : 2002 SCC (Cri) 688] and Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC 528 : 2004 SCC (Cri) 1977]. In Prasanta Kumar Sarkar v. Ashis Chatterjee [(2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765], the relevant principles were restated thus: (SCC p. 499, para 9)*
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> > *'9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*
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> > *(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
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> > ***(ii) nature and gravity of the accusation;***

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.'

7. In Mahipal v. Rajesh Kumar [(2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558], this Court opined as under: (SCC p. 125, para 16)

'16. The considerations that guide the power of an appellate court in assessing the correctness of an order granting bail stand on a different footing from an assessment of an application for the cancellation of bail. The correctness of an order granting bail is tested on the anvil of whether there was an improper or arbitrary exercise of the discretion in the grant of bail. The test is whether the order granting bail is perverse, illegal or unjustified. On the other hand, an application for cancellation of bail is generally examined on the anvil of the existence of supervening circumstances or violations of the conditions of bail by a person to whom bail has been granted.'

8. In Bhagwan Singh v. Dilip Kumar [(2023) 13 SCC 549 : 2023 INSC 761], this Court, in view of Dolat Ram v. State of Haryana [(1995) 1 SCC 349 : 1995 SCC (Cri) 237] ; Kashmira Singh v. Duman Singh [(1996) 4 SCC 693 : 1996 SCC (Cri) 844] and X v. State of Telangana [(2018) 16 SCC 511 : (2020) 1 SCC (Cri) 902], held as follows : (Bhagwan Singh case, SCC p. 557, para 13)

'13. It is also required to be borne in mind that when a prayer is made for the cancellation of grant of bail, cogent and overwhelming circumstances must be present and bail once granted cannot be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it in conducing to allow fair trial. This proposition draws support from the judgment of this Court in Dolat Ram v. State of Haryana [(1995) 1 SCC 349 : 1995 SCC (Cri) 237], Kashmira Singh v. Duman Singh [(1996) 4 SCC 693: 1996 SCC (Cri) 844] and X v. State of Telangana [(2018) 16 SCC 511 : (2020) 1 SCC (Cri) 902] .'

9. In X3 v. State (UT of Andaman) [(2023) 14 SCC 280 : 2023 INSC 767], this Court noted that the principles in Prasanta Kumar Sarkar v. Ashis Chatterjee, [(2010) 14 SCC 496 : (2011) 3 SCC (Cri)

765] stood reiterated in Jagjeet Singh v. Ashish Mishra [(2022) 9 SCC 321 : (2022) 3 SCC (Cri) 560] .

10. The contours of anticipatory bail have been elaborately dealt with by five-Judge Benches in Gurbaksh Singh Sibbia v. State of Punjab [(1980) 2 SCC 565 : 1980 SCC (Cri) 465] and Sushila Aggarwal v. State (NCT of Delhi) [(2020) 5 SCC 1 : (2020) 2 SCC (Cri) 721]. Siddharam Satlingappa Mhetre v. State of Maharashtra [(2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] is worthy of mention in this context, despite its partial overruling in Sushila Aggarwal. We are cognizant that liberty is not to be interfered with easily. More so, when an order of pre-arrest bail already stands granted by the High Court.

11. Yet, much like bail, the grant of anticipatory bail is to be exercised with judicial discretion. The factors illustrated by this Court through its pronouncements are illustrative, and not exhaustive. Undoubtedly, the fate of each case turns on its own facts and merits."

(emphasis supplied)

***20.** In Ajwar v. Waseem, [(2024) 10 SCC 768], this Court also examined the considerations for setting aside bail orders in terms below: (SCC paras 28-29)*

"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.*

29. In Jagjeet Singh v. Ashish Mishra, [(2022) 9 SCC 321 : (2022) 3 SCC (Cri) 560], a three-Judge Bench of this Court, has observed that the power to grant bail under Section 439 CrPC is of wide amplitude and the High Court or a Sessions Court, as the case may be, is bestowed with considerable discretion while deciding an application for bail. But this discretion is not unfettered. The order passed must reflect due application of judicial mind following well-established principles of law. In ordinary course, courts would be slow to interfere with the order where bail has been granted by the courts below. But if it is found that

such an order is illegal or perverse or based upon utterly irrelevant material, the appellate court would be well within its power to set aside and cancel the bail. (Also refer: Puran v. Rambilas [(2001) 6 SCC 338 : 2001 SCC (Cri) 1124] ; Narendra K. Amin v. State of Gujarat [(2008) 13 SCC 584 : (2009) 3 SCC (Cri) 813])"

(Emphasis Supplied)

16. Recently, in ***Salil Mahajan v. Avinash Kumar and another***[6], this Court once again crystallised the distinction between an appeal against grant of bail and an application seeking cancellation of bail. It was reiterated that in an appeal against grant of bail, the superior court is concerned with examining the legality, propriety, and correctness of the bail order itself, and not the subsequent conduct of the accused. Where the bail order suffers from perversity, illegality, non-consideration of relevant factors such as the gravity of the offence, impact on society, or criminal antecedents, interference is fully justified. The following observations are pertinent:

*"**7.** At the outset, it is well settled by this Court that an appeal against the grant of bail and an application seeking cancellation of bail are on different footing. **The grounds for testing the legality of an order granting bail are well settled**. Recently, in Ashok Dhankad v. State (NCT of Delhi) [2025 SCC OnLine SC 1690], this Court had summarized the position of law as follows:*

*"**19.** The principles which emerge as a result of the above discussion are as follows:*

(i) An appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail;

(ii) The Court concerned must not venture into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail;

*(iii) **An order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that have been elucidated by this Court.***

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[6] 2025 SCC OnLine SC 2732

[See: Y v. State of Rajasthan (Supra); Jaibunisha v. Meherban and Bhagwan Singh v. Dilip Kumar @ Deepu]

(iv) ***An appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law; relevant factors not been taken into consideration including gravity of the offence and impact of the crime;***

(v) However, the Court may not take the conduct of an accused subsequent to the grant bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail; and

(vi) An appeal against grant of bail must not be allowed to be used as a retaliatory measure. Such an appeal must be confined only to the grounds discussed above."

(emphasis supplied)

8. *We deem it appropriate to advert to the exposition of law, in Vipan Kumar Dhir v. State of Punjab [(2021) 15 SCC 518], where while setting aside the grant of anticipatory bail this Court observed:*

> ***"11.*** *In addition to the caveat illustrated in the cited decision(s), bail can also be revoked where the court has considered irrelevant factors or has ignored relevant material available on record which renders the order granting bail legally untenable. The gravity of the offence, conduct of the accused and societal impact of an undue indulgence by Court when the investigation is at the threshold, are also amongst a few situations, where a Superior Court can interfere in an order of bail to prevent the miscarriage of justice and to bolster the administration of criminal justice system. This Court has repeatedly viewed that while granting bail, especially anticipatory bail which is per se extraordinary in nature, the possibility of the accused to influence prosecution witnesses, threatening the family members of the deceased, fleeing from justice or creating other impediments in the fair investigation, ought not to be overlooked."*
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> *(emphasis supplied)*

17. Thus, a consistent and well settled doctrinal thread emerges from the aforesaid decisions: the power to grant bail, though discretionary, is subject to judicial discipline and appellate oversight. While personal liberty remains a cherished constitutional value, a bail order is liable to be interfered with where

the exercise of discretion is perverse, illegal, or manifestly unjustified; where it is founded on irrelevant or extraneous considerations; or where material and relevant factors bearing on the grant of bail have been ignored.

18. Equally well-settled is the distinction between an appeal against an order granting bail and an application seeking cancellation of bail founded on post-bail conduct or supervening circumstances. In an appeal against the grant of bail, the focus of judicial scrutiny is the legality, propriety, and sustainability of the bail order as it stood at the time of its grant. Where such an order is shown to suffer from non-application of mind, reliance on disputed or *prima facie* suspect material forming the subject-matter of trial, suppression or non-consideration of material facts, or disregard of binding legal principles, annulment of the bail order is not only permissible but warranted in order to avert a miscarriage of justice.

19. Accordingly, where a bail order is demonstrated to be legally untenable or fundamentally perverse, interference by the appellate court is not an exception, but a judicial imperative. Such interference does not trench upon the sanctity of personal liberty; rather, it subserves the rule of law by ensuring that discretionary relief is granted in conformity with settled legal standards and that the administration of criminal justice is not undermined by arbitrary or capricious orders.

APPLICATION TO THE PRESENT CASE

20. The criminal proceedings arise out of FIR No. 314 of 2024 dated 23.08.2024 lodged by the complainant, who is related to Respondent No. 2 and is stated to be his sister-in-law. It is not in dispute that there are existing disputes between the parties relating to ancestral and family property, and that civil proceedings in that regard are pending.

21. It is alleged in the FIR that Respondent No. 2 had been projecting himself as possessing a Bachelor of Laws (LL.B.) degree purportedly issued by Sarvodaya Group of Institutions, which was claimed to be affiliated with Veer Bahadur Singh Purvanchal University, Jaunpur, Uttar Pradesh.

22. According to the prosecution, the law degree and marksheet are forged and fabricated, and Respondent No. 2 deliberately relied upon such documents to falsely project himself as a law graduate. It is further alleged that on the strength of these forged credentials, he appeared before this Court and other Courts. The accusations extend beyond personal use and include allegations that Respondent No. 2 was actively involved in preparing, using and circulating forged degrees and certificates for others as well, thereby operating an organised racket facilitating fake educational qualifications. Thus, serious allegations have been made against Respondent No. 2.

23. The High Court granted bail to Respondent No. 2 based on the submissions advanced on behalf of Respondent No. 2 that the LL.B. degree was genuine and issued by Sarvodaya Group of Institutions and that the informant being his sister-in-law, had falsely implicated him due to an ongoing property dispute.

24. However, the material placed on record *prima facie* contradicts these assertions. A communication dated 05.09.2024 issued by Veer Bahadur Singh Purvanchal University to the District Magistrate, Jaunpur, categorically states that Sarvodaya Group of Institutions was not affiliated with the University. Further, during investigation, the Investigating Officer received a communication dated 09.05.2025 from Sarvodaya Vidyapeeth Mahavidyalaya, Mirganj, Jaunpur, clarifying that the institution had recognition only for seven Bachelor of Arts courses and did not conduct LL.B. classes.

25. At this stage, the prosecution case stands fortified by the aforesaid categorical communications that the marksheet relied upon by Respondent No. 2 was never issued by Veer Bahadur Singh Purvanchal University and that the institution in question had no affiliation for imparting legal education. These materials go to the very root of the prosecution case and cannot be brushed aside as peripheral. Even otherwise, the disclaimer appearing on the marksheet downloaded by Respondent No. 2 clearly states that it cannot be treated as an original marksheet and ought to have alerted the High Court to exercise

circumspection. There are further allegations that the website or portal reflecting the marksheet itself is forged, that the email ID appearing therein is common to websites of other institutions, that the mobile number provided is defunct, and that the website appears to be a mirror website of another University.

26. The allegations against Respondent No. 2 are thus not confined to an isolated instance of forgery but *prima facie* disclose systematic and organised course of conduct involving the fabrication, procurement and use of forged educational qualifications, particularly law degrees, which has a direct bearing on the integrity of the legal profession and the administration of justice. The details of the criminal cases registered against Respondent No. 2 are as follows:

S.NO	FIR DETAILS	STATUS
1.	**FIR No. 8/2025** dated 14.01.2025 registered u/s 34, 419, 420, 465 IPC at Thilaknagar Police Station, Bengaluru City	Bail Granted (Pending)
2.	**FIR No. 62/2025** dated 26.03.2025 registered u/s 318(4), 318(2), 336(3), 340(2) and 3(5) BNS at Begampura Police Station, Chhatrapati Sambhaji Nagar	Bail Granted (Pending)
3.	**FIR NO. 232/2025** dated 06.06.2025 registered u/s 318, 319(2), 3(5) BNS and s. 3 and 5 of the Maharashtra University, Board and other specified examinations (Prevention of Malpractices) Act, 1982 at Khultabad Police Station, Aurangabad Rural	Bail Granted (Pending)

4.	**FIR No. 314/2024** dated 23.08.2024 registered u/s 419, 420, 467, 468, 471 IPC at Sarai Khwaja Police Station, Jaunpur, UP	Bail Granted (Pending)
5.	**FIR No. 136/2023** dated 04.07.2023 registered u/s 452, 379, 143, 147, 504, 506 IPC at Harsul Police Station, Aurangabad Rural	Bail Granted (Pending)
6.	**FIR No. 124/2025** dated 23.03.2025 registered u/s 115(2), 3(5), 333, 351(3), 352 BNS at City Chowk Police Station, Chhatrapati Sambhaji Nagar	Bail Granted (Pending)
7.	**FIR No. 338/2016** dated 12.10.2016 registered u/s 354A, 504, 34 IPC at Khultabad Police Station	Bail Granted (Pending)
8.	**FIR NO. 331/2011** dated 13.09.2011 registered u/s 420, 406, 465, 468, 471, 472, 34 IPC at Kranti Chowk Police Station, Chhatrapati Sambhaji Nagar	Bail Granted (Pending)
9.	**FIR NO. 48/2011** dated 08.04.2011 registered u/s 419, 420, 465, 468, 471, 474, 34 IPC at Khultabad Police Station.	(Acquitted) Appeal Pending

27. The above tabulation demonstrates that multiple FIRs have been registered against Respondent No. 2 across different States alleging similar offences relating to educational fraud and forgery.

28. In ***Ash Mohammad v. Shiv Raj Singh @ Lalla Babu and another***[7], this Court underscored that criminal antecedents cannot be ignored, particularly where the nature of allegations and their societal impact are grave. The Court

[7] (2012) 9 SCC 446

clarified that while a history-sheeter is not disentitled to bail as a rule, antecedents constitute a significant factor in the exercise of judicial discretion. The relevant passage reads as under:

> *"**28.** Coming to the nature of crime it is perceivable that two persons came on a motorcycle and kidnapped Bihari Lal and kept him in confinement for eight days. The role of the accused is clearly stated.* ***It is apt to note that a history-sheeter has a recorded past. The High Court, in toto, has ignored the criminal antecedents of the accused. What has weighed with the High Court is that the accused had spent seven months in custody. That may be one of the factors but that cannot be the whole and the sole factor in every case. It depends upon the nature of the offence, the manner in which it is committed and its impact on the society. We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked. In the case at hand, as the prosecution case unfolds, the accused did not want anyone to speak against his activities****. He had sent two persons to kidnap Bihari Lal, who remained in confinement for eight days. The victim was tortured. Kidnapping, as an offence, is on the increase throughout the country. Sometimes it is dealt with formidable skill and sometimes with terror and sometimes with threat or brute force. The crime relating to kidnapping has taken many a contour. True it is, sometimes allegations are made that a guardian has kidnapped a child or a boy in love has kidnapped a girl. They do stand on a different footing. But kidnapping for ransom or for revenge or to spread terror or to establish authority are in a different realm altogether. In the present case the victim had been kidnapped under threat, confined and abused. The sole reason for kidnapping is because the victim had shown some courage to speak against the accused. This may be the purpose for sustaining of authority in the area by the accused and his criminal antecedents, speak eloquently in that regard. In his plea for bail the accused had stated that such offences had been registered because of political motivations but the range of offence and their alleged years of occurrence do not lend prima facie acceptance to the same.* ***Thus, in the present case his criminal antecedents could not have been totally ignored."***
>
> (Emphasis Supplied)

29. Similarly, in ***Neeru Yadav v. State of Uttar Pradesh and another***[8], this Court set aside a bail order on the ground that relevant factors, including criminal antecedents, had been completely ignored, holding that such a grant of bail amounted to a deviant exercise of discretion warranting appellate interference. The relevant paragraphs are extracted below:

> *"15. **This being the position of law, it is clear as cloudless sky that the High Court has totally ignored the criminal antecedents of the accused.** What has weighed with the High Court is the doctrine of parity. A history-sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightning having the effect potentiality of torrential rain in an analytical mind. **The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner.***
>
> ***18.** Before parting with the case, we may repeat with profit that it is not an appeal for cancellation of bail as the cancellation is not sought because of supervening circumstances. **The annulment of the order passed by the High Court is sought as many relevant factors have not been taken into consideration which includes the criminal antecedents of the accused and that makes the order a deviant one.** Therefore, the inevitable result is the lancination of the impugned order [Budhpal v. State of U.P., 2014 SCC OnLine All 14815]"*
>
> ***(Emphasis Supplied)***

30. The principles reiterated by a three-Judge Bench in ***Brijmani Devi v. Pappu Kumar and another***[9] further emphasise that while personal liberty under Article 21 of the Constitution is invaluable, courts must balance such liberty against the nature of the accusations, supporting material, criminal antecedents,

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[8] (2016) 15 SCC 422
[9] (2022) 4 SCC 497

and the broader societal impact. Bail discretion must be exercised judiciously and supported by reasons grounded in the material on record. The following observations are apposite:

> ***"21.*** *In Gudikanti Narasimhulu v. Public Prosecutor, A.P. High Court, [(1978) 1 SCC 240 : 1978 SCC (Cri) 115], Krishna Iyer, J., while elaborating on the content and meaning of Article 21 of the Constitution of India, has also elaborated the factors that have to be considered while granting bail which are extracted as under: (SCC p. 244, paras 7-9)*
>
> > *"7. It is thus obvious that the nature of the charge is the vital factor and the nature of the evidence also is pertinent. The punishment to which the party may be liable, if convicted or conviction is confirmed, also bears upon the issue.*
> >
> > *8. Another relevant factor is as to whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being. [Patrick Devlin : The Criminal Prosecution in England, (London) 1960, p. 75 — Mod. Law Rev. ibid., p. 54]*
> >
> > *9. Thus the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice.* ***It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record — particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance."***

35. *While we are conscious of the fact that* ***liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of the serious nature of the accusations against an accused*** *and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a court to arrive at a prima facie conclusion. While considering an application for grant of bail a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record.* ***Due consideration must be given to facts suggestive of the nature of crime,***

> ***the criminal antecedents of the accused, if any, and the nature of punishment*** *that would follow a conviction vis-à-vis the offence(s) alleged against an accused."*
>
> *(Emphasis Supplied)*

31. Of particular concern in the present case is the *prima facie* material indicating that Respondent No. 2 suppressed his criminal antecedents before the High Court by stating that he had no criminal history except the present FIR. Such incorrect and incomplete disclosure appears to have materially influenced the exercise of discretion in his favour, thereby vitiating the bail order.

32. The submission that Respondent No. 2 has not misused liberty granted to him cannot be considered in isolation. There are *prima facie* allegations of stalking and intimidation of the appellant after the grant of bail. This Court *vide* order dated 22.09.2025, expressly cautioned Respondent No. 2 that any attempt to intimidate or coerce the appellant into withdrawing the proceedings would invite strict action. The existence of a family or property dispute does not dilute the gravity of allegations involving impersonation as a legal professional and the use of forged credentials before courts, which have serious public and institutional ramifications extending far beyond a private dispute.

33. For the foregoing reasons, we are of the considered view that the impugned order dated 09.04.2025 granting bail to Respondent No. 2 is legally unsustainable and is liable to be set aside.

INVESTIGATION BY A SPECIAL AGENCY – WHETHER WARRANTED

34. The appellant has further sought a direction for transfer of the investigation in the present case to a special agency, alleging the existence of a larger racket involving forged degrees and invoking considerations of public interest.

35. At the outset, it is pertinent to note that the investigation has already culminated in the filing of a chargesheet on 14.05.2025, and cognizance has been taken by the learned Magistrate *vide* order dated 26.05.2025.

36. In ***Disha v. State of Gujarat and others***[10], this Court was concerned with allegations relating to a large-scale financial scam involving collection of approximately Rs. 60 crores on the pretext of assuring high returns. Despite the filing of the chargesheet, a prayer was made for transfer of investigation to an impartial agency such as the CBI. Rejecting the said prayer, this Court held that once investigation is complete and the chargesheet is filed, transfer of investigation can be directed only in exceptional circumstances demonstrating a real likelihood of bias, mala fides, or abuse of power. The following paragraphs are apposite:

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[10] (2011) 13 SCC 337

*"**14.** In Gudalure M.J. Cherian v. Union of India [(1992) 1 SCC 397] this Court however, held that the power of directing investigation by CBI after charge-sheet was filed, should not ordinarily be used, but only when necessary. The investigation having been completed by the police and charge-sheet submitted to the court, it is not for this Court, ordinarily, to reopen the investigation specially by entrusting the same to a 31ummarized31 agency like CBI. The same view has been reiterated by this Court in Punjab & Haryana High Court Bar Assn. v. State of Punjab [(1994) 1 SCC 616 : 1994 SCC (Cri) 455 : AIR 1994 SC 1023].*

***15.** In R.S. Sodhi v. State of U.P. [1994 Supp (1) SCC 143 : 1994 SCC (Cri) 248: AIR 1994 SC 38] this Court examined the case where the accusations were directed against the local police personnel. The Court held that it would be desirable to entrust the investigation to an independent agency like CBI so that all concerned including the relatives of the deceased may feel assured that an independent agency was looking into the matter and that would lend the final outcome of the investigation credibility. However faithfully the local police may carry out the investigation, the same would lack credibility since the allegations were against them.*

***16.** This Court refused to direct the investigation by CBI, after the charge-sheet was filed in Vineet Narain v. Union of India [(1996) 2 SCC 199 : 1996 SCC (Cri) 264 : AIR 1996 SC 3386].*

***17.** In case of persons against whom a prima facie case is made out and a charge-sheet is filed in the competent court, it is that court which will then deal with that case on merits in accordance with law. (See Union of India v. Sushil Kumar Modi [(1998) 8 SCC 661 : 1999 SCC (Cri) 84].)*

***21.** Thus, it is evident that this Court has transferred the matter to CBI or any other special agency only when the Court was satisfied that the accused had been a very powerful and influential person or State authorities like high police officials were involved and the investigation had not been proceeded with in a proper direction or it had been biased. In such a case, in order to do complete justice and having belief that it would lend the final outcome of the investigation credibility, such directions have been issued."*

(Emphasis Supplied)

37. Similarly, a three-Judge Bench of this Court in ***K.V. Rajendran v. Superintendent of Police, CBCID South Zone, Chennai and others***[11], declined

[11] (2013) 12 SCC 480

to transfer investigation to the CBI despite allegations of delay and improper investigation. This Court held that mere dissatisfaction with the manner of investigation or bald allegations unsupported by cogent material cannot justify invocation of extraordinary jurisdiction for transfer of investigation to a central or special agency. The following observations are relevant:

> *"**13**...This Court has time and again dealt with the issue under what circumstances the investigation can be transferred from the State investigating agency to any other independent investigating agency like CBI. It has been held that the power of transferring such investigation must be in rare and exceptional cases where the court finds it necessary in order to do justice between the parties and to instil confidence in the public mind, or where investigation by the State police lacks credibility and it is necessary for having "a fair, honest and complete investigation", and particularly, when it is imperative to retain public confidence in the impartial working of the State agencies. Where the investigation has already been completed and charge-sheet has been filed, ordinarily superior courts should not reopen the investigation and it should be left open to the court, where the charge-sheet has been filed, to proceed with the matter in accordance with law. Under no circumstances, should the court make any expression of its opinion on merit relating to any accusation against any individual. (Vide Gudalure M.J. Cherian v. Union of India [(1992) 1 SCC 397], R.S. Sodhi v. State of U.P. [1994 Supp (1) SCC 143 : 1994 SCC (Cri) 248 : AIR 1994 SC 38], Punjab and Haryana High Court Bar Assn. v. State of Punjab [(1994) 1 SCC 616 : 1994 SCC (Cri) 455 : AIR 1994 SC 1023] , Vineet Narain v. Union of India [(1996) 2 SCC 199 : 1996 SCC (Cri) 264] , Union of India v. Sushil Kumar Modi [(1996) 6 SCC 500 : AIR 1997 SC 314] , Disha v. State of Gujarat [(2011) 13 SCC 337 : (2012) 2 SCC (Cri) 628 : AIR 2011 SC 3168] , Rajender Singh Pathania v. State (NCT of Delhi) [(2011) 13 SCC 329 : (2012) 1 SCC (Cri) 873] and State of Punjab v. Davinder Pal Singh Bhullar [(2011) 14 SCC 770 : (2012) 4 SCC (Civ) 1034 : AIR 2012 SC 364].)*
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> ***15.** In State of W.B. v. Committee for Protection of Democratic Rights [(2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401] a Constitution Bench of this Court has clarified that extraordinary power to transfer the investigation from State investigating agency to any other investigating agency must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigation or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights.*

(See also Ashok Kumar Todi v. Kishwar Jahan [(2011) 3 SCC 758 : (2011) 2 SCC (Cri) 75 : AIR 2011 SC 1254] .)

16. *This Court in Sakiri Vasu v. State of U.P. [(2008) 2 SCC 409 : (2008) 1 SCC (Cri) 440] held : (SCC p. 416, para 31)*

> *"31. ... this Court or the High Court has power under Article 136 or Article 226 to order investigation by CBI. That, however, should be done only in some rare and exceptional case, otherwise, CBI would be flooded with a large number of cases and would find it impossible to properly investigate all of them."*

17. *In view of the above, the law can be 33ummarized to the effect that the Court could exercise its constitutional powers for transferring an investigation from the State investigating agency to any other independent investigating agency like CBI only in rare and exceptional cases. Such as where high officials of State authorities are involved, or the accusation itself is against the top officials of the investigating agency thereby allowing them to influence the investigation, and further that it is so necessary to do justice and to instil confidence in the investigation or where the investigation is prima facie found to be tainted/biased."*

(Emphasis Supplied)

38. Applying the aforesaid principles to the present case, no specific or substantiated material has been placed on record to demonstrate that the investigation conducted by the State Police was vitiated by mala fides, bias, or extraneous influence attributable to Respondent No. 2. There is also no allegation of involvement of any high-ranking police officials so as to cast doubt on the credibility of the investigation.

39. In the absence of such exceptional circumstances, and particularly when the investigation stands completed and cognizance has already been taken by the competent court, this Court finds no justification to invoke its extraordinary jurisdiction to direct transfer of the investigation to a special agency.

40. It is also apposite to note that issues pertaining to the verification of law degrees and enrolment of advocates are already the subject matter of comprehensive directions issued by this Court in ***Ajay Shankar Srivastava v. Bar Council of India and another*** [12] as supplemented by order dated 18.11.2025 in ***M. Varadhan v. Union of India and another***[13]. Pursuant thereto, a High-Level Committee has been constituted and is functioning under the continuous monitoring of this Court. At the instance of the Bar Council of India, a nationwide verification process is presently underway with the active involvement of Universities and State Bar Councils. The regulatory framework and supervisory mechanism put in place by this Court, therefore, adequately address the concerns pertaining to forged degrees and fraudulent enrolments.

41. In view of the above, the prayer for transfer of investigation to a special agency is declined. It is, however, clarified that the Bar Council of India and the State Bar Councils shall continue to implement, in letter and spirit, the directions already issued by this Court and shall submit such progress reports as may be called for by this Court or by the High-Level Committee.

DISCLOSURE OF MATERIAL FACTS IN BAIL APPLICATIONS – GUIDING PRINCIPLES AND SUGGESTIONS

42. It has been consistently emphasised by this Court that an accused or applicant seeking bail is under a solemn obligation to make a fair, complete and

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[12] (2023) 6 SCC 144
[13] WP(C) No. 1319 of 2023

candid disclosure of all material facts having a direct bearing on the exercise of judicial discretion. Any suppression, concealment or selective disclosure of such material facts amounts to an abuse of the process of law and strikes at the very root of the administration of criminal justice.

43. In the present case, Respondent No. 2 deliberately concealed his criminal antecedents before the High Court, both in the petition for quashing FIR as well as in successive bail applications. Even before this Court, only partial disclosure was made in the counter-affidavit, despite the existence of multiple criminal cases on record. This conduct cannot be viewed as an isolated lapse but reflects a growing and disturbing trend of accused persons securing discretionary relief by suppressing material facts.

44. This Court has, on numerous occasions, strongly deprecated such conduct. In ***Kusha Duruka v. State of Odisha***[14]**,** this Court disapproved the act of an accused who had concealed the dismissal of earlier bail applications as well as the pendency of proceedings before this Court, and issued specific directions mandating disclosure of all previous and pending bail applications. The Court reiterated that suppression of material facts constitutes fraud on the court, attracting the maxim *suppressio veri, expressio falsi*. The relevant paragraphs read as under:

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[14] (2024) 4 SCC 432

*"**2.** About three decades ago, this Court in Chandra Shashi v. Anil Kumar Verma [(1995) 1 SCC 421 : 1995 SCC (Cri) 239] was faced with a situation where an attempt was made to deceive the Court and interfere with the administration of justice. The litigant was held to be guilty of contempt of court. **It was a case in which the husband had filed fabricated document to oppose the prayer of his wife seeking transfer of matrimonial proceedings. Finding him guilty of contempt of court, he was sentenced to two weeks' imprisonment by this Court.** This Court observed as under : (SCC pp. 423-24 & 427, paras 1-2 & 14)*

"1. The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore, required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned.

2. Anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice.

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*14. The legal position thus is that **if the publication be with intent to deceive the court or one made with an intention to defraud, the same would be contempt, as it would interfere with administration of justice. It would, in any case, tend to interfere with the same.** This would definitely be so if a fabricated document is filed with the aforesaid mens rea. In the case at hand the fabricated document was apparently to deceive the court; the intention to defraud is writ large. Anil Kumar is, therefore, guilty of contempt."*

***3.** In K.D. Sharma v. SAIL [(2008) 12 SCC 481] it was observed by this Court : (SCC p. 493, para 39)*

*"39. If the primary object as highlighted in Kensington Income Tax Commrs. [R. v. General Commissioners for the Purposes of the Income Tax Acts for the District of Kensington, ex p Princess Edmond De Polignac, (1917) 1 KB 486 : 86 LJKB 257 : 116 LT 136 (KB & CA)] is kept in mind, an applicant who does not come with candid facts and "clean breast" cannot hold a writ of the court with "soiled hands". Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. **If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent***

power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. *If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court."*

(emphasis supplied)

4. *In Dalip Singh v. State of U.P. [(2010) 2 SCC 114 : (2010) 1 SCC (Civ) 324], this Court noticed the progressive decline in the values of life and the conduct of the new creed of litigants, who are far away from truth. It was observed as under: (SCC pp. 116-17, paras 1-2)*

"1. For many centuries Indian society cherished two basic values of life i.e. "satya" (truth) and "ahimsa" (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, ***the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final."***

(emphasis supplied)

5. *In Moti Lal Songara v. Prem Prakash [(2013) 9 SCC 199 : (2013) 3 SCC (Cri) 872], this Court, considering the issue regarding concealment of facts before the Court, observed that "court is not a laboratory where children come to play", and opined as under : (SCC p. 208, paras 19-20)*

"19. The second limb of the submission is whether in the obtaining factual matrix, the order passed by the High Court discharging the respondent-accused is justified in law. We have clearly stated that though the respondent was fully aware about the fact that charges had been framed against him by the learned trial Judge, yet he did not bring the same to the notice of the Revisional Court hearing the revision against the order taking cognizance. It is a clear case of suppression. It

was within the special knowledge of the accused. Anyone who takes recourse to method of suppression in a court of law, is, in actuality, playing fraud upon the court, and the maxim suppressio veri, expressio falsi i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted. We are compelled to say so as there has been a calculated concealment of the fact before the Revisional Court. It can be stated with certitude that the respondent-accused tried to gain advantage by such factual suppression. The fraudulent intention is writ large. In fact, he has shown his courage of ignorance and tried to play possum.

20. The High Court, as we have seen, applied the principle "when infrastructure collapses, the superstructure is bound to collapse". However, as the order has been obtained by practising fraud and suppressing material fact before a court of law to gain advantage, the said order cannot be allowed to stand."

(emphasis supplied)

6. *It was held in the judgments referred to above that one of the two cherished basic values by Indian society for centuries is "satya" (truth) and the same has been put under the carpet by the petitioner. Truth constituted an integral part of the justice-delivery system in the pre-Independence era, however, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, the values have gone down and now litigants can go to any extent to mislead the court. They have no respect for the truth. The principle has been evolved to meet the challenges posed by this new breed of litigants.* ***Now it is well settled that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. Suppression of material facts from the court of law, is actually playing fraud with the court. The maxim suppressio veri, expressio falsi i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted. It is nothing but degradation of moral values in the society, may be because of our education system.*** *Now we are more happy to hear anything except truth; read anything except truth; speak anything except truth and believe anything except truth. Someone rightly said that:"Lies are very sweet, while truth is bitter, that's why most people prefer telling lies."*

7. *In a recent matter, this Court again came across a litigant who had tried to overreach the Court by concealing material facts in Saumya Chaurasia v. Enforcement Directorate [(2024) 6 SCC 401 : 2023 SCC*

OnLine SC 1674 : 2023 INSC 1073]. It was a case where the appellant before this Court had challenged the order [Saumya Chaurasia v. Directorate of Enforcement, 2023 SCC OnLine Chh 1907] passed by the High Court [High Court of Chhattisgarh at Bilaspur in Miscellaneous Crl. Case No. 1258 of 2023] rejecting his bail application. He was accused of committing various crimes under the Penal Code, 1860 and the Prevention of Money-Laundering Act, 2002. His bail application was rejected by the High Court on 23-6-2023 [Saumya Chaurasia v. Directorate of Enforcement, 2023 SCC OnLine Chh 1907]. ***In the pleadings before this Court, it was mentioned that the High Court had committed gross error in not considering the charge-sheet dated 8-6-2023 and the cognizance order dated 16-6-2023, which clearly suggested that there was an error apparent on the fact of it.*** *The fact which was available on record was that an order in the bail application was reserved by the High Court on 17-4-2023 [Saumya Chaurasia v. Enforcement Directorate, 2023 SCC OnLine Chh 5838] and pronounced on 23-6-2023 [Saumya Chaurasia v. Directorate of Enforcement, 2023 SCC OnLine Chh 1907]. Having some suspicion, this Court directed the appellant to file an affidavit to clarify the aforesaid position. There was no specific reply given to the aforesaid query to the Court. Rather vague statements were made. Considering the facts available, this Court observed that there was a bold attempt by and on behalf of the appellant therein to misrepresent the facts for challenging the order [Saumya Chaurasia v. Directorate of Enforcement, 2023 SCC OnLine Chh 1907] impugned therein, regarding the conduct of the parties and the counsel, this Court made the following observations : (Saumya Chaurasia v. Enforcement Directorate, (2024) 6 SCC 401 : 2023 SCC OnLine SC 1674 : 2023 INSC 1073] , SCC para 13)*

> *"13. It cannot be gainsaid that every party approaching the court seeking justice is expected to make full and correct disclosure of material facts and that every advocate being an officer of the court, though appearing for a particular party, is expected to assist the court fairly in carrying out its function to administer the justice. It hardly needs to be emphasised that a very high standard of professionalism and legal acumen is expected from the advocates particularly designated senior advocates appearing in the highest court of the country so that their professionalism may be followed and emulated by the advocates practising in the High Courts and the District Courts. Though it is true that the advocates would settle the pleadings and argue in the courts on instructions given by their clients, however their duty to diligently verify the facts from the record of the case, using their legal acumen for which they are engaged, cannot be obliviated."*
>
> *(emphasis supplied)*

Finally, this Court dismissed the appeal with costs of Rs 1,00,000.

8. *In Pradip Sahu v. State of Assam [(2024) 4 SCC 448] the accused who was found to be guilty of concealing material facts from the court and against him the High Court [Gauhati High Court] had directed [Pradip Sahu v. State of Assam, 2021 SCC OnLine Gau 2835] for taking appropriate legal action, had challenged the order passed by the High Court before this Court. In the aforesaid case, first bail application filed by the appellant there was dismissed [Pradip Sahu v. State of Assam, 2021 SCC OnLine Gau 2832] by the High Court [On 11-11-2021], thereafter he moved a second bail application before the High Court in which notice was issued on 30-11-2021 [Pradip Sahu v. State of Assam, 2021 SCC OnLine Gau 2833]. During the pendency of the aforesaid application before the High Court, the appellant therein moved a fresh bail application before the trial court on 1-12-2021, which was granted on the same day. The aforesaid facts came to the notice of the High Court on 8-12-2021 [Pradip Sahu v. State of Assam, 2021 SCC OnLine Gau 2834] when a report of the Registrar (Judicial) was received, who was directed to conduct the enquiry in the matter. However, on an apology tendered by the appellant therein and also considering the facts as stated that he belonged to Tea Tribe community and his brother, a cycle mechanic, who was also pursuing the case, did not appreciate the intricacy of the law. As a result of which, the mistake occurred. This Court, having regard to the unqualified apology tendered by* ***the appellant therein, had set aside the order passed by the High Court to file FIR/complaint against the appellant therein.***

9. *May be in the facts of Pradip Sahu case [2021 SCC OnLine Gau 2834], this Court had accepted unconditional apology tendered by the appellant therein and in the given fact situation accepted his apology but it is established that there is a consistent effort by the litigants to misrepresent the Court wherever they can.*

22. In our opinion, to avoid any confusion in future it would be appropriate to mandatorily mention in the application(s) filed for grant of bail:

22.1. *Details and copies of order(s) passed in the earlier bail application(s) filed by the petitioner which have been already decided.*

22.2. *Details of any bail application(s) filed by the petitioner, which is pending either in any court, below the court in question or the higher court, and if none is pending, a clear statement to that effect has to be made.*

22.2.1. *This Court has already directed vide order passed in Pradhani Jani case [(2024) 4 SCC 451] that all bail applications filed by the different accused in the same FIR should be listed before the same Judge except in cases where the Judge has superannuated or has been transferred or otherwise incapacitated to hear the matter. The system needs to be followed meticulously to avoid any discrepancies in the orders.*

> ***22.2.2.*** *In case it is mentioned on the top of the bail application or any other place which is clearly visible, that the application for bail is either first, second or third and so on, so that it is convenient for the court to appreciate the arguments in that light. If this fact is mentioned in the order, it will enable the next higher court to appreciate the arguments in that light.*
>
> ***22.3.*** *The Registry of the court should also annex a report generated from the system about decided or pending bail application(s) in the crime case in question. The same system needs to be followed even in the case of private complaints as all cases filed in the trial courts are assigned specific numbers (CNR No.), even if no FIR number is there.*
>
> ***22.4.*** *It should be the duty of the investigating officer/any officer assisting the State counsel in court to apprise him of the order(s), if any, passed by the court with reference to different bail applications or other proceedings in the same crime case. And the counsel appearing for the parties have to conduct themselves truly like officers of the court.*
>
> ***23. Our suggestions are with a view to streamline the proceedings and avoid anomalies with reference to the bail applications being filed in the cases pending trial and even for suspension of sentence.***"
>
> *(Emphasis Supplied)*

45. In ***Munnesh v. State of Uttar Pradesh***[15], this Court noticed the absence of even basic factual particulars in bail pleadings resulting in avoidable adjournments and unnecessary wastage of judicial time.

46. Further, a three-Judge Bench of this Court in ***Kaushal Singh v. State of Rajashtan***[16], recommended that all High Courts consider incorporating specific rules mandating disclosure of criminal antecedents and involvement in other criminal cases at the bail stage. The Court observed that such disclosure requirements would ensure informed adjudication and prevent abuse of judicial process, and accordingly directed circulation of the judgment to the Registrars

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[15] 2025 SCC OnLine SC 1319
[16] 2025 SCC OnLine SC 1473

General of all High Courts for appropriate consideration. The relevant paragraphs read thus:

> *"**22.** Before parting, we would like to state that, accounting for the criminal antecedents of the accused while considering the bail applications has been the subject matter of concern for Courts across the country. The rules and orders of the Punjab and Haryana High Court, to be specific, Rule 5 of Chapter 1-A(b) Volume-V specifically provide as below:*
>
> > *"**5. Bail applications. -** In every application for bail presented to the High Court the petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information."*
>
> ***23. We feel that every High Court in the country should consider incorporating a similar provision in the respective High Court Rules and/or Criminal Side Rules as it would impose an obligation on the accused to make disclosures regarding his/her involvement in any other criminal case(s) previously registered.***
>
> ***24.** It is, therefore, provided that a copy of this order shall be communicated to the Registrar Generals of all the High Courts so that incorporation of a similar Rule in the respective Rules can be considered, if such provision does not exist from earlier."*
>
> ***(Emphasis Supplied)***

47. As repeatedly observed by this Court, bail applications are examined at multiple stages – from the trial Court to the High Court and ultimately this Court – where courts are often constrained to take a *prima facie* view on incomplete or selectively presented records. Non-disclosure of material aspects such as criminal antecedents, prior bail rejections, duration of custody, compliance with constitutional and statutory safeguards, and the progress of trial may result in the unwarranted grant of bail, or conversely, the prolonged

incarceration of accused persons despite substantial custody having already been undergone.

48. Thus, this Court is of the view that every petitioner or applicant seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars, including criminal antecedents and the existence of any coercive processes such as issuance of non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, so as to promote uniformity, transparency and integrity in bail adjudication.

49. Additionally, in the interest of justice, the following illustrative disclosure framework is provided, which is purely recommendatory in nature, evolved in continuation of, and consonance with the principles laid down by this Court concerning full and candid disclosure in bail proceedings. The framework is intended to act as a facilitative guide, leaving it open to the concerned courts to adopt, adapt, or refine the same in accordance with their procedural framework and the exigencies of individual cases.

(A) CASE DETAILS

- FIR Number & Date
- Police Station, District and State
- Sections invoked
- Maximum punishment prescribed

(B) CUSTODY & PROCEDURAL COMPLIANCE

- Date of Arrest
- Total period of custody undergone

(C) STATUS OF TRIAL

- Stage of proceedings (Investigation / Chargesheet / Cognizance / Framing of charges / Trial)
- Total number of witnesses cited in the chargesheet
- Number of prosecution witnesses examined

(D) CRIMINAL ANTECEDENTS

- FIR No. & Police Station
- Sections
- Status (Pending / Acquitted/ Convicted)

(E) PREVIOUS BAIL APPLICATIONS

- Court
- Case No.
- Outcome of case

(F) COERCIVE PROCESSES

- Whether any Non-Bailable Warrant was issued
- Whether declared a proclaimed offender

50. The Registrar (Judicial) of this Court is directed to circulate a copy of this judgment to the Registrar Generals of all the High Courts. The High Courts may examine the feasibility of issuing appropriate administrative directions or incorporating suitable provisions in their respective Rules, consistent with their

rule-making powers. A copy of this judgment shall also be circulated to the District Judiciary for guidance.

CONCLUSION

51. Accordingly, the impugned judgment dated 09.04.2025 passed by the High Court is set aside. The bail granted to Respondent No. 2 is cancelled. Respondent No. 2 is directed to surrender before the jurisdictional Court within a period of two weeks from today. In the event of failure to do so, the trial Court shall take appropriate steps in accordance with law to secure his custody. It is clarified that the trial Court shall proceed with the trial independently and conclude the proceedings expeditiously in accordance with law.

52. With the aforesaid observations, suggestions and directions, this criminal appeal is allowed.

53. Pending application(s), if any, shall stand disposed of.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[R. MAHADEVAN]

NEW DELHI;
FEBRUARY 11, 2026.



SEALED IN MY PRESENCE