

2026 LiveLaw (SC) 23

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
J.B. PARDIWALA; J., K.V. VISWANATHAN; J.**

January 07, 2026.

Special Leave Petition (Crl) No. 12110, 19548/2025

MD IMRAN @ D.C. GUDDU versus THE STATE OF JHARKHAND

Criminal Procedure Code, 1973; Section 319 – Principles for Granting Bail to Accused Added via Section 319 – High Standard of Evidence Required - The Supreme Court held that when a person is added as an accused under Section 319 Cr.P.C. and subsequently arrested, the court considering a bail plea must apply a test higher than a mere *prima facie* case - The relevant consideration is whether there is "strong and cogent evidence" of complicity, rather than a mere probability - While this standard is shorter than the satisfaction required for a conviction if the evidence goes unrebutted, it is significantly higher than the standard required for framing charges against original accused persons - In exercising discretion for bail for an accused summoned under Section 319, the Court must weigh the nature of the offence, the quality of evidence against the newly added accused, and the likelihood of the person absconding or tampering with evidence. [Para 13, 14]

Criminal Procedure Code, 1973; Section 438 – Anticipatory Bail – Held that where co-accused summoned under Section 319 Cr.P.C. have already been granted anticipatory bail and have been appearing regularly before the trial court, no case for cancellation is made out unless specific grounds for such cancellation are established by the State. [Para 15, 18, 19]

Appearance: Mr. Samant Singh, Mr. Rakesh Kumar Singh & Mr. Ganesh Khanna, Advocates for the respective accused persons.

Ms. Pragya Baghel, Advocate for the State of Jharkhand.

ORDER

1. Leave granted.
2. Since the issues involved in both the captioned appeals are the same, those were taken up for hearing analogously and are being disposed of by this common order.
3. So far as the Appeal arising out of S.L.P. (Crl) No. 12110/2025 is concerned, the same has been filed by one MD Imran @ D.C. Guddu.
4. The appeal filed by Imran @ D.C. Guddu arises from the order passed by the High Court of Jharkhand at Ranchi dated 08.04.2025 in BA No.2758/2025 by which the bail application filed by the appellant in connection with Daily Market Police Station Case No. 46 of 2018, arising out of S.T. No. 100239 of 2019 registered for the offence punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code (for short "IPC") respectively and Sections 25(1-B)/A/26/27/35 of the Arms Act respectively came to be rejected.
5. It appears from the materials on record that the appellant herein viz. MD Imran @ D.C. Guddu was one of the accused persons named in the FIR lodged by the father of the deceased.
6. The FIR was registered against in all nine accused persons. At the end of the investigation chargesheet came to be filed only against three accused persons, whereas the closure report was filed so far as the other six co-accused are concerned. In the course

of the trial, the eye-witnesses to the incident who are all family members of the deceased deposed as regards the involvement of all the nine accused persons originally named in the FIR.

7. The depositions of the eyewitnesses were recorded sometime in 2020 and 2021 respectively. In the year 2022 the first informant preferred an application under Section 319 of the Cr.P.C., before the trial court with a prayer that the other six co-accused who came to be dropped by the police should be added and summoned as accused to face the trial. Such application was filed on the strength of the oral evidence of the eye-witnesses which came on record.

8. The application filed by the first informant was looked into by the trial court and ultimately the same came to be partly allowed. Out of the six accused who were dropped, the trial court thought fit to summon three accused persons. So far as the other three are concerned, the trial court did not deem fit to add them in exercise of its powers under Section 319 of the Cr.P.C.

9. It is not in dispute that the original order passed by the trial court under Section 319 of the Cr.P.C. never came to be challenged. It attained finality. The appellant herein MD Imran @ D.C. Guddu came to be arrested pursuant to a nonbailable warrant issued against him. In so far as the respondents in the connected matters are concerned, before they could be arrested, they went before the High Court and prayed for anticipatory bail. The High Court granted them anticipatory bail.

10. In such circumstances referred to above, we have two appeals before us one filed by the accused MD Imran @ D.C. Guddu who came to be arrested and is in judicial custody and the connected appeal has been filed by the State of Jharkhand being aggrieved by the order passed by the High Court releasing the other two co-accused on anticipatory bail.

11. Since the three accused have now been summoned, the trial against them will have to proceed afresh. We are informed that charges have been framed.

12. We heard Mr. Samant Singh, Mr. Rakesh Kumar Singh & Mr. Ganesh Khanna, the learned counsel appearing for the respective accused persons and Ms. Pragya Baghel, the learned counsel appearing for the State of Jharkhand.

13. We looked into the matter threadbare. We also looked into the oral evidence of the eyewitnesses on the strength of which the three accused have now been summoned to face the trial for the offence of murder.

14. When a person is added as an accused under Section 319 Cr.P.C. and that person is ultimately arrested and prays for bail, the relevant consideration at the end of the court while considering his plea for bail should be the strong and cogent evidence than mere probability of his complicity. The test that has to be applied is one which is more than *prima facie* case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes un rebutted would lead to conviction. The Court should weigh factors like the nature of the offence, the quality of the evidence against the new accused and the likelihood of the person absconding or tampering with evidence. In other words, the court must be satisfied that there is strong and cogent evidence of the person's complicity at the threshold i.e. much higher than that required for framing charges against the original accused.

15. The other two co-accused namely MD Samsher and MD Arshad respectively are already on anticipatory bail since 02.07.2025. We are informed that they have been appearing before the trial court on all dates.

16. Since the matter is at large before the trial court, we need not observe anything further.

17. It is ordered that MD Imran @ D.C. Guddu shall be released on bail subject to terms and conditions that the trial court may deem fit to impose.

18. So far as the other two accused are concerned, they are already on anticipatory bail. No case is made out by the State for cancellation of anticipatory bail.

19. In the result, the appeal filed by MD Imran @ D.C Guddu stands allowed and the appeal filed by the State of Jharkhand stands dismissed.

20. We make it clear that all the three accused shall regularly appear before the trial court and cooperate in expeditious disposal of the trial.

21. We further make it clear that the observations in this order are only for the purpose of deciding the bail application of MD Imran @ D.C. Guddu as well as for consideration of the State appeal against the order granting anticipatory bail to Md. Shamsheer Alam and Md. Arshad. The trial court will proceed in accordance with law and the trial court will not be influenced by the observations in this order.

22. Pending Application(s) if any shall stand disposed of.

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)