

2025 LiveLaw (SC) 325

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ABHAY S. OKA; J., UJJAL BHUYAN; J.
FEBRUARY 28, 2025.**

CRIMINAL APPEAL NO(S).991 OF 2025 (ARISING OUT OF S.L.P. (CRIMINAL) NO(S).17921/2024)

MANISH RATHORE *versus* STATE OF CHHATTISGARH

Criminal Law - Arrest - Defiance of Court Order - Grant of Bail - Police, with knowledge of the protection order, hastily added serious charges under the Unlawful Activities (Prevention) Act, 1967 and the Vishesh Jan Suraksha Adhiniyam, 2005 leading to the appellant's arrest. The Court deprecated this conduct, emphasizing that the police should have sought leave from the Court before arresting the appellant. The Court, considering the *mala fide* nature of the arrest, allowed the appeal, directing the appellant's release on bail, and made the interim order of protection absolute. (Para 5 & 7)

[Arising out of impugned final judgment and order dated 19-09-2024 in MCRCA No. 1081/2024 passed by the High Court of Chhattisgarh at Bilaspur]

For Petitioner(s): Mr. Kaustubh Shukla, AOR Mr. Praveen Singh, Adv. Ms. Pushpanjali Singh, Adv.

For Respondent(s): Mr. Vikrant Bais, D.A.G. Mr. Abhishek Pandey, Adv. Mr. Prashant Kumar Umrao, AOR

ORDER

1. Leave granted.
2. Heard the learned counsel appearing for the parties.
3. Pursuant to our order dated 17th February, 2025, the SDPO of the Narayanpur District, is physically present in the Court.
4. This Court on 2nd January, 2025 granted protection to the appellant from arrest in Crime No.54/2024 registered at Police Station – Narayanpur, District – Narayanpur, Chhattisgarh. Prior to that, FIR No.39/2024 was registered against the appellant at the same Police Station. In connection with FIR No.39/2024, the appellant was enlarged on bail. After service of notice of the present case, the SDPO of the Narayanpur Police Station on 28th January, 2025 suddenly applied to the Sessions Court for adding Section 13(1) of the Unlawful Activities (Prevention) Act, 1967 and Section 8(5) of the Vishesh Jan Suraksha Adhiniyam, 2005 in FIR No.39/2024. On the basis of the addition of the two Sections, on 29th January, 2025, the appellant was taken into custody.
5. The concerned Police Officer was fully aware of the order passed by this Court on 2nd January, 2025. An application ought to have been made to this Court by the State seeking leave of this Court to take action of arrest against the appellant in connection with FIR No.39/2024. Obviously to defeat the interim order of this Court dated 2nd January, 2025, this hasty action has been taken by the Police against the appellant to ensure that he is taken into custody and the interim order dated 2nd January, 2025 is completely nullified. We deprecate this conduct.
6. Under our order dated 17th February, 2025, while issuing notice to the SDPO of the Narayanpur District, we had indicated that we will consider the prayer for grant of bail to the appellant in FIR No.39/2024 as well.
7. Considering the fact that it is so apparent that the arrest of the appellant has been made in connection with the said offence i.e., FIR No.39/2024, only with a view to defeat

the interim order of this Court dated 2nd January, 2025, the appellant is entitled to be enlarged on bail in the said case as well. Accordingly, we pass the following order:

- (i) The Appeal is allowed;
- (ii) The appellant shall be enlarged on bail in connection with FIR No.39/2024 registered at Police Station – Narayanpur, District – Narayanpur, Chhattisgarh, on appropriate terms and conditions. For that purpose, we direct that the appellant shall be produced before the concerned Sessions/Special Court within a maximum period of one week from today. The Court shall enlarge the appellant on bail on appropriate terms and conditions after hearing the learned Public Prosecutor; and
- (iii) The interim order dated 2nd January, 2025 is made absolute on the terms and conditions incorporated in the said order.

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