

ITEM NO.51

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) No.12110/2025

[Arising out of impugned final judgment and order dated 08-04-2025 in BA No. 2758/2025 passed by the High Court of Jharkhand at Ranchi]

MD IMRAN @D.C. GUDDU

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND

Respondent(s)

[TO BE TAKEN UP ON TOP OF THE BOARD]

Date : 14-11-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Rajeev Singh, Adv.
Mr. Samant Singh, Adv.
Mr. Ashwani Kumar Ssingh, Adv.
Ms. Anu H. Kirutthika, Adv.
Mr. Rajeev Singh, AOR

For Respondent(s) :

Ms. Pragya Baghel, Adv.
Ms. Pallavi Langar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Our Order dated 13-11-2025:-

1. *This is the second matter on the board today.*
2. *The State of Jharkhand, over a period of time, is cutting a very sorry figure. In many cases, we have noticed that the State does not care to appear. When it appears, it is too late in the day.*
3. *This matter is coming up for the second time before us.*
4. *Today also, no one has appeared on behalf of the State of Jharkhand.*

5. The matter before us is a bail application. The petitioner, along with two other co-accused, was added as an accused in the original trial by the trial court in exercise of its powers under Section 319 of the Criminal Procedure Code, 1973 (for short "the Cr.P.C").

6. We take notice of the fact that the police, on completion of the investigation, had filed a report that the petitioner herein was in no way involved in the alleged crime. When the trial was in progress against the charge sheeted accused persons, three eye witnesses deposed about the complicity of the present petitioner also and the two other co-accused.

7. The trial against the petitioner is in progress. The petitioner prayed for bail before the High Court of Jharkhand. The High Court, by a very cryptic order, has rejected the bail application.

8. In such circumstances, the petitioner is here before us praying for bail.

9. We are taken by surprise to note that two other accused who are added by the trial court along with the present petitioner in exercise of its powers under Section 319 of the Cr.P.C. were granted anticipatory bail by the High Court. We have no idea in what circumstances anticipatory bail came to be granted to the other two co-accused.

10. As noted above, there is no discussion worth the name in the impugned order, and therefore, we are unable to understand what is the case against the present petitioner. What is the overt act attributed to the present petitioner? We did not have the advantage of hearing the State in this matter. No one has entered appearance despite service.

11. We take a serious view of this matter.

12. In such circumstances, referred to above, we direct the Home Secretary of the State of Jharkhand to appear before us on-line tomorrow i.e. 14.11.2025.

13. The Registry to inform about this order passed by us to the Home Secretary of the State of Jharkhand immediately.

14. List the matter tomorrow i.e. on 14.11.2025 on the top of the board."

2. In pursuance of our Order, referred to above, the Home Secretary of the State of Jharkhand viz. Ms. Vandana Dadel has joined online.

3. We had a brief interaction with Ms. Vandana Dadel. We brought to her notice that over a period of time, the State has exhibited complete callousness in so far as matters before this Court is concerned. We also brought few such instances to her notice. Ms. Vandana Dadel has taken note of all that we brought to her notice today in so far as the main matter is concerned.

4. The petitioner before us prays for bail pending trial.

5. Ms. Pragya Baghel, the learned counsel appeared today on behalf of the State.

6. We enquired with Ms. Baghel as to in what circumstances the other two accused similarly situated namely Md. Shamsheer Alam & Md. Arsad came to be enlarged on anticipatory bail by the High Court. According to Ms. Baghel, so far as Md. Shamsheer Alam & Md. Arsad are concerned, having come to know that they have been added as accused by the Trial Court in exercise of its powers under Section 319 of Code of the Criminal Procedure, 1973, they prayed for anticipatory bail apprehending their arrest by the Police.

7. In such circumstances, the High Court passed an order which reads thus:-

"This anticipatory bail application under Section(s) 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioners apprehending their arrest for offences registered under Section(s) 147, 148, 149, 302 IPC, Sections 25(1-B)A/26/27/35 of the Arms Act in connection with S.T. No. 239 of 2019 and 330 of 2020, pending in the Court of learned AJC, VII, Rahchi.

2 Heard the parties at length and had gone through the documents, annexed along with this application.

3. Opportunity was given to the State to oppose the bail, which the State, availed and opposed.

4. There is allegation that the petitioners and others have committed murder of one Sonu Imroz. The police after investigation submitted final report exonerating the petitioners. The Trial of other accused proceeded and in that trial, an application under Section 319 Cr.P.C was filed, which was allowed and the petitioners were directed to face the trial. Thus these petitioners have filed this anticipatory bail application on the ground that now the warrant of arrest has been issued against them.

5. Since the petitioners have been arrayed as accused and have been directed to face the trial by invoking Section 319 Cr.P.C, I

direct the petitioners to appear before the court concerned and they should face the trial. The petitioners will also file necessary bonds with undertaking that they will appear on each and every date during the trial, failing which, it will be open to the Court concerned to cancel their bail bonds and take appropriate steps against them.

6. Accordingly, this petition stands disposed of:

8. The plan reading of the Order, referred to above, would indicate that the High Court directed Md. Shamsher and Md. Arsad to appear before the Trial Court and furnish bail. It seems that the High Court had not gone into the merits of the matter so far as Md. Shamsher and Md. Arsad are concerned. However, the High Court went into the merits of the matter in so far as the petitioner is concerned and thought fit not to grant bail keeping in mind the nature of the allegations.

9. The State has now realized that it should have acted promptly to challenge the anticipatory bail order passed by the High Court in so far as Md. Shamsher and Md. Arsad are concerned. The State is now contemplating to move this Court.

10. We adjourn this matter for a period of two weeks.

11. Within two weeks, the State may prefer an appropriate petition if it intends to challenge the order passed by the High Court granting anticipatory bail or to put in other words granting some protection from arrest. We shall hear all the matters together on the next date of hearing.

12. On the next date of hearing, we want both the sides to provide us one common compilation containing the following:-

- (i) The depositions of all the eye-witnesses;
- (ii) Postmortem Report of the deceased;
- (iii) The order passed by the Trial Court under Section 319 of the Code.

13. We dispense with the personal appearance of the Home Secretary, the State of Jharkhand.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)