IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(ARISING OUT OF S.L.P. (CRL.) NO.11944 OF 2026)

STATE OF MEGHALAYA ...APPELLANT

VERSUS

SONAM RAGHUVANSHI @ BITTI @ BITTU ...RESPONDENTS

O R D E R

1. Leave granted.

2. The appellant-State is the prosecuting agency aggrieved by the enlargement of the respondent on bail in connection with FIR No. 7/2025 dated 03.06.2025, registered at Police Station - Sohra, District – East Khasi Hills, for the offences under Sections 103(1), 238(a), 309(6) and 3(6) of the Bharatiya Nyaya Sanhita (for short, 'the BNS'). A chargesheet was filed against the respondent on 05.09.2025. Charges were framed on 28.10.2025. *Vide* a supplementary chargesheet dated 10.02.2026, the respondent was additionally charged for the offences punishable under Sections 25(1)(A) and 35 of the Arms Act, 1959.

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Reason:

3. The case of the prosecution, in a nutshell, is that after the marriage of the respondent with the deceased, she accompanied the deceased to Meghalaya for their

honeymoon. During their honeymoon, the deceased was murdered and, thereafter, was pushed into a gorge with the help of three accomplices who have been hired by the respondent and the co-accused, being her alleged paramour.

4. Having found that the whereabouts of the deceased and the respondent was not known, a Missing Person(s) Complaint was submitted by the brother of the deceased on 26.05.2025. On 02.06.2025, the dead body of the deceased was recovered from the deep gorge and a post mortem examination was conducted on 03.06.2025, following which the First Information Report was registered, as aforestated. The respondent surrendered before Nanghanj Police Station, Isopur, Uttar Pradesh. Thereafter, she was brought to Kotwali Police Station, Ghazipur, Uttar Pradesh, where she was duly arrested by the appellant on 09.06.2025 at 6 pm. An application was filed before the Chief Judicial Magistrate, Ghazipur for the grant of transit remand.

5. The grounds of arrest have been supplied to the respondent on 09.06.2025. According to the appellant, the relevant documents have also been supplied to the respondent. However, the grounds of arrest indicate the offence as one punishable under Section 403(1) of the BNS instead of Section 103(1) of the BNS, which is an

apparent typographical error. The learned Judicial Magistrate First Class, Sohra Civil Sub Division, Sohra *vide* its order dated 11.06.2025, made the following observations while remanding the accused to Judicial Custody:

> **"1. .. ..**
>
> **2. The accused persons: Vishal Singh Chauhan, Raj Singh Kushwaha, Aakash Rajput, Anand Kurmi and Sonam Raghuvanshi are produced before me today.**
>
> **.. .. ..**
>
> **8. I have spoken to each accused person. They have each stated that they are aware of the reasons why they have been arrested. I have heard them verbally state the reasons and grounds of their arrest and I am satisfied that they are well aware of the reasons and grounds of their arrest. I have asked them whether they have engaged any legal counsel. Raj, Vishal, Anand and Akash have submitted that they are without representation. They have been apprised of their right to legal aid and submitted that they would like to avail of legal aid.**
>
> **9. Sonam has submitted that her brother is supposed to be arranging for a legal counsel for her. She states that, at present, she does not have any lawyer representing her. She is accordingly informed that a legal aid defence counsel will appear for her for now and that she is at liberty to appoint a private counsel..**
> **.. .. .. "**

6. The respondent has filed three successive bail applications before the Trial Court seeking an adjudication and consequent enlargement, on merits. Thereafter, a 4th bail application has been filed by the respondent seeking enlargement, which is the subject

matter of the present appeal, on the plea of non-compliance of the mandate of serving the grounds of arrest. It is also the case of the respondent that the so called grounds of arrest dated 09.06.2025 cannot be termed as such, being bereft of the material particulars. Accepting the contention made on her behalf and in light of the judgments rendered by this Court, the respondent was, accordingly, granted bail by the Trial Court, which was confirmed by the High Court *vide* the impugned order.

7. The learned Solicitor General, appearing for the appellant-State, would vehemently contend that the decision of this Court in the case of *Mihir Rajesh Shah v. State of Maharashtra*[1] is prospective in nature. It is a case of surrender, at the instance of the respondent. The respondent was not only given the grounds of arrest, but also the relevant documents. She was satisfied with the due compliance, a fact recorded by the learned Judicial Magistrate himself at the time of remand to judicial custody. There is no explanation for the respondent's disappearance after the occurrence. A plea with respect to non-compliance of the mandate of serving the grounds of arrest cannot be allowed by way of an afterthought in the respondent's 4th Bail Application before the Trial Court. The allegations are quite serious

1 (2026) 1 SCC 500

and that was the reason why the earlier bail applications were rejected on merits. Considering the above, the appeal deserves to be allowed and the bail granted to the respondent ought to be set aside.

8. The learned senior counsel appearing for the respondent submitted that the essence of Article 22(1) of the Constitution of India, 1950 will have to be seen. What has been served upon the respondent is a mere mechanically printed format of the grounds of arrest. Apart from the fact that the wrong provision has been quoted, the actual reason behind the arrest has not been informed to the respondent. The said infirmity is not curable and, therefore, goes to the root of the very arrest itself. This being a constitutional mandate, there is no question of waiver that might arise. On merits, it is submitted that the appellant is yet to prove the charges against the respondent and, therefore, cannot presume the offences against the respondent.

9. Law is quite settled that serving of the grounds of arrest is mandatory. This has been introduced as a Judge made law *vide* a judgment of this Court in the case of *Mihir Rajesh Shah* (supra). That is the precise reason why this Court was pleased to hold that though such a procedure is not contemplated, nonetheless, it is so required in order to give effect to Article 22(1) of the

Constitution of India. For the said reason, the decision was made to apply prospectively. Admittedly, in the case on hand, the respondent was arrested on 09.06.2025 much before the date of pronouncement of *Mihir Rajesh Shah* (supra).

10. Apart from the fact that the respondent was conspicuously absent and, thus, could not be traced after the occurrence, the law does not restrain the prosecuting agency from re-arresting a person. In other words, non-compliance of the service of grounds of arrest to an accused and consequent enlargement on bail, will not act as a fetter to re-arrest the said accused for the purpose of investigation.

11. We find that the respondent is not entitled for bail, both on merits and on the grounds discussed by both the Courts. There is a fundamental difference between non-service of grounds of arrest and non-furnishing of adequate reasons thereunder. While the first category might vitiate the arrest, in the second category, one has to see the prejudice caused to the accused. In the facts of the instant case, it is not as if the respondent was not served with the grounds of arrest. Hence, the case of the respondent falls within the second category discussed above. The respondent has also not taken the said plea at the earliest point of time, having done so only in her

4th Bail Application before the Trial Court.

12. With respect to the contention of the learned senior counsel for the respondent that there is no waiver of the right guaranteed under Article 22(1) of the Constitution of India and, therefore, the stage at which a plea touching upon fundamental rights is raised would not matter, we would only clarify that when an accused person files a bail application, the stage might become irrelevant. However, when the accused person warranted a finding on merits on the earlier occasions, it is not open for him/her to go back and raise the plea on the issue pertaining to the grounds of arrest thereafter.

13. As recorded earlier, the respondent has expressed her satisfaction on the reasons behind her arrest before the learned Judicial Magistrate. The relevant documents were, indeed, served on the respondent. Therefore, we are not inclined to go into the issue as to whether the case involves a voluntary surrender by the respondent or arrest by the appellant, followed by production before the Court. Suffice it to state that both the Courts below have committed an error in enlarging the respondent on bail, on the basis of the judgments rendered by this Court.

14. We are conscious of the fact that bail is the rule and jail is the exception. Presumption of innocence enures to every accused. However, we are dealing with a specific case where the earlier orders rejecting the bail applications of the respondent, on merits, have attained finality, and the trial has already begun.

15. In view of the above discussion and reasoning, we are inclined to observe that continuing the enlargement of the respondent on bail, at this stage, might hinder the ongoing trial. In such view of the matter, we are inclined to set aside the impugned order of the High Court dated 29.06.2026 and the order of the Trial Court dated 27.04.2026.

16. The respondent is granted a period of three weeks from today to surrender before the concerned trial Court. In the event of the trial not proceeding and being concluded within a period of six months, the respondent is given liberty to file a fresh bail application, in which case, neither this order nor earlier orders rejecting the respondent's bail applications would stand in her way.

17. Accordingly, the Appeal stands allowed.

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

……J.
(M.M. SUNDRESH)

……J.
(PRASANNA B. VARALE)

NEW DELHI;
JULY 23, 2026.

ITEM NO.31 COURT NO.3 SECTION II

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 11944/2026

[Arising out of impugned final judgment and order dated 29-06-2026 in CRLP No.47/2026 passed by the High Court of Meghalya at Shilong]

STATE OF MEGHALAYA Appellant(s)

VERSUS

SONAM RAGHUVANSHI @ BITTI @ BITTU Respondent(s)

FOR ADMISSION
(IA No. 187332/2026 - EXEMPTION FROM FILING O.T.)

Date : 23-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Mr. Tushar Mehta, Solicitor General
Mr. Amit Kumar, Advocate General
Ms. Vishakha, Adv.
Mr. Luv Kumar, Adv.
Ms. Aarushi Malik, Adv.
Mr. Avijit Mani Tripathi, AOR
Mr. Himanshu Sehrawat, Adv.
Mr. Aman Mehta, Adv.
Mr. Aditya Kumar, Adv.

For Respondent(s) : Mr. Ardhendumauli Kumar Prasad, Sr.Adv.
Mr. Abhay Singh, AOR
Mr. Zenith Chhablani, Adv.
Mr. Parijat Kishore, Adv.
Mr. Syed Kamran Ali, Adv.
Mrs. Ankita Agarwal, Adv.
Mr. Jishnu Adhikari, Adv.
Mr. Siddhanth Kumar, Adv.
Ms. Anusha Rathore, Adv.
Ms. Anushka Kaushik, Adv.

Upon hearing the counsel, the Court made the following

O R D E R

1. I.A. No. 187332/2026 seeking exemption from filing official translation is allowed.

2. The Criminal Appeal stands allowed in terms of the signed order.

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

(SHUBHAM SONI) **(POONAM VAID)**
COURT MASTER (SH) **ASSISTANT REGISTRAR**

(Signed order is placed on the file)