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A Compilation of Legal Updates and Relevant Judgments

Topics and Updates

S.No.	Title of the Judgment	Citation	Rationale of the Judgment
1.	Ghulam Mohammad Bhat v Union Territory of J&K & Ors	SC Order dated 15.07.2025	Creating an atmosphere of fear to prevent people from taking the side of law by killing an army informer is also a terrorist act despite anti-terror law not being invoked in the case.
2.	The State of Karnataka v Sri Darshan Etc	2025 INSC 979	Neither the constitutional nor the statutory framework prescribes a specific form or insists upon written communication of grounds of arrest to the arrested person. Substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.
3.	Munnesh v State of Uttar Pradesh	SC Order dated 03.04.2025	Since the petitioner has suppressed material facts with regard to his involvement in criminal cases, he is not entitled to the discretionary relief of bail.
4.	Arsalan Feroze Ahenger v NIA	2025:DHC:5522-DB	Section 18 of UAPA is framed in such a broader way that even the usage of social media or any digital activity for the purpose of disseminating radical information and ideology falls within its ambit and it is not necessary that the same is to be a physical activity.
5.	Sunil Vitthal Wagh v The State of Maharashtra	Bom HC Order dated 18.07.2025	If supplementary charge-sheet against an accused, who was shown as absconding in the first charge-sheet, is not filed within 90 or 60 days, as contemplated under Sections 167(2)(a)(i) and (ii) of the CrPC or the extended period under section 43D(2) of UAPA, the accused would get the right of default bail, which he can assert anytime thereafter but before filing of the supplementary charge-sheet subsequently.
6.	Sachin Taliyan v NIA	NIA Special Judge, Haryana, Order dated 19.07.2025	Arrest would commence when restraint has been placed on the personal liberty of the accused and not the time of arrest recorded by the arresting officer.

I. SUPREME COURT ON UAPA AND RIGHTS OF THE ACCUSED AND VICTIMS

1. Ghulam Mohammad Bhat v Union Territory of J&K & Ors, WP.Crl. 66/2024, Order dated 15.07.2025

- **Brief Facts:** The case involved a remission plea of a convict, who has spent 27 years in jail for killing three civilians, including an army informer, in J&K with an AK-47. He was convicted only for murder under IPC and the Arms Act and not under the then anti-terror law TADA.
- **Issue(s):** Whether the convict's murder here amounts to a terror act?
- **Judgment/Order:**
 - a. The Court held that creating an atmosphere of fear to prevent people from taking the side of law by killing an army informer is also a terrorist act despite anti-terror law not being invoked in the case.
 - b. The Court also noted 'If you want to create fear among people to ensure that no one approaches authorities against the illegal act then it a terror act. This was done to create havoc to ensure that no one dares to side with the law, then it certainly carries the characteristics of a terrorist and remission cannot be granted under the policy. You have to challenge the remission policy.'
- **Outcome:** The court allowed the respondent to challenge the J&K remission policy.

2. The State of Karnataka v Sri Darshan Etc, 2025 INSC 979

- **Brief Facts:** A group of accused persons conspired to kidnap and murder Renukaswamy, the deceased. The bail applications of the accused persons were rejected before the LVI Additional City Civil and Sessions Judge at Bengaluru. On appeal, the Karnataka High Court enlarged the accused persons on bail by relying on the fact that there was delay in furnishing the grounds of arrest to the accused persons.
- **Issue:** Whether delay in furnishing the grounds of arrest constitute a valid ground for grant of bail?
- **Judgment:**
 - a. The Court held that delay in furnishing the grounds of arrest cannot, by itself, constitute a valid ground for grant of bail.
 - b. The constitutional and statutory framework mandates that the arrested person must be informed of the grounds of arrest – but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.
 - c. In *Vihaan Kumar v. State of Haryana*, it was reiterated that Article 22(1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing. Similarly, in *Kasireddy Upender Reddy v. State of Andhra Pradesh*, it was observed that when arrest is made pursuant a

warrant, reading out the warrant amounts to sufficient compliance. Both these post-*Pankaj Bansal decisions* clarify that written, individualised grounds are not an inflexible requirement in all circumstances. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.

- d. The High Court, however, relied heavily on the alleged procedural lapse as a determinative factor while overlooking the gravity of the offence under Section 302 IPC and the existence of a prima facie case.
- e. The High Court Order suffers from serious legal infirmities. The order fails to record any special or cogent reasons for granting bail in a case involving charges under Sections 302, 120B, and 34 IPC.
- **Outcome:** The appeal was allowed by setting aside the High Court's order and cancelling the bail to the accused persons.

3. Munnesh v State of Uttar Pradesh, SLP(Cr): 1400/2025, Order dated 03.04.2025

- **Brief Facts:** The petitioner was arrested in connection with an FIR under Section 302 IPC. The petitioner's criminal history was not disclosed in the special leave petition against the Allahabad High Court's order rejecting bail.
- **Issue:** Whether the accused is entitled to bail if material facts were suppressed in the SLP?
- **Judgment/Order:**
 - a. The Court ordered that since the petitioner has suppressed material facts with regard to his involvement in criminal cases, he is not entitled to the discretionary relief of bail.
 - b. The Court directed that henceforth each individual who approaches this Court with a Special Leave Petition (Criminal) challenging orders passed by the high courts/sessions courts declining prayers under Sections 438/439 of CrPC or under Sections 482/483, BNSS shall mandatorily disclose in the 'SYNOPSIS' that either he is a man of clean antecedents or if he has knowledge of his involvement in any criminal case, he shall clearly indicate the same together with the stage that the proceedings, arising out of such case, have reached.
 - c. Should the disclosure be found to be incorrect subsequently, that itself could be considered as a ground for dismissal of the SLP.
- **Outcome:** The SLP was dismissed and bail was not granted.

II. HIGH COURTS ON UAPA AND ACCUSED RIGHTS

4. Arsalan Feroze Ahenger v NIA, Delhi HC, 2025:DHC:5522-DB

- **Brief Facts:** The Appellant created certain groups on social media like Ansar Gazwat-UI-Hind (AGH) and Shaikoo Naikoo etc. and created multiple Gmail IDs via which radical views were expressed, thereby motivating and radicalizing vulnerable youth to join terrorist groups like TRF and for this purpose, the Appellant used social media platforms like Facebook, WhatsApp, Telegram, Instagram and Twitter, etc.
- **Issue:** Whether using social media to spread radical ideology fall under conspiracy to commit terrorist activity in terms of Section 18 of UAPA?
- **Judgment/Order:**
 - a. The Delhi High Court held that section 18 is framed in such a broader way that even the usage of social media or any digital activity for the purpose of disseminating radical information and ideology falls within its ambit and it is not necessary that the same is to be a physical activity.
 - b. Material does indicate that the Appellant was disseminating information for inciting local youths to indulge in activities which will lead to commit a terrorist act which is sufficient to bring the Appellant in the ambit of Section 18 of UAPA, thereby satisfying the test of rejection of bail under UAPA.
- **Outcome:** The bail was rejected and the appeal was dismissed.

5. Sunil Vitthal Wagh v The State of Maharashtra, Bombay HC, Criminal Bail Application No. 2472/2022, Order dated 18.07.2025

- **Brief Facts:** The chargesheet was filed on 15th September 2018, where the applicant's status was shown as an absconder. The applicant was subsequently arrested on 28th August 2021 and remanded to police custody. On the prosecution's application, police custody was extended until 9th September 2021. Thereafter, judicial custody was granted. The period of 180 days for completion of the investigation was over on 24th February 2022. The application for release on bail under Section 167(2) of CrPC was filed on the ground that the investigation was not completed and the chargesheet was not filed within a period of 180 days from the date of the applicant's arrest and the first remand.
- **Issue:** Whether an accused, against whom an initial charge-sheet was filed, is entitled to default bail if supplementary charge sheet is not filed within 180 days or the stipulated time period?

▪ **Judgment/Order:**

- a. The Bombay High Court held that if further investigation is started against an accused arrested after filing of first charge-sheet in which he is shown as absconding accused, completion of investigation would be declared only by the act of filing of supplementary charge-sheet against him. If the supplementary charge-sheet against such an accused is not filed within 90 days or 60 days, as contemplated under Sections 167(2)(a)(i) and (ii) of the CrPC, the accused would get the right of default bail, which he can assert anytime thereafter but before filing of the supplementary charge-sheet subsequently.
 - b. The period of 90 days or 60 days so contemplated under Section 167(2)(a) is essentially the period for which the Magistrate may authorise the detention of the accused. In other words, a police officer must complete the investigation within the period of 90 days or 60 days, as the case may be, or otherwise, it would not be possible for the Magistrate to authorise detention pending investigation.
 - c. Therefore, any charge-sheet which marks completion of an investigation against the accused under detention would have to be filed within such stipulated period computed from the date of arrest of the accused against whom it is filed.
- **Outcome:** In view of the well-settled legal principles on the indefeasible right of the accused under section 167(2) of CrPC, the applicant is entitled to be released on bail.

III. TRIAL COURT ON 'ARREST'

6. Sachin Taliyan v NIA, Special Judge (NIA) Harvana, Panchkula, Order dated 19.07.2025

- **Brief Facts:** The accused was apprehended from the crime scene at 5:10 AM on 10.12.2024 and seizure of country made pistol, five live rounds were made from him. Registering the FIR at 3:06 PM, the accused was formally arrested at 6 PM on the same day. Later, the accused was produced before the Magistrate at noon time on 11.12.2024.
- **Issues:**
When does arrest commence?
- **Judgment/Order:**
 - a. The trial court concluded that with the apprehension of the accused on 10.12.2024 at 5:10 AM, his arrest commenced then and there only and, therefore he ought to have been produced before the Magistrate within 24 hours thereafter.
 - b. Since the accused was produced beyond 24 hours, the arrest was rendered illegal which makes out a case for grant of regular bail for the accused.
 - c. The Court relied on *Ashak Hussain Allah Detha @ Siddique and another v. The Assistant Collector of Customs (P) Bombay and another*, Bombay HC, 1990 SCC OnLine Bom 3 and observed that in substance, arrest was restraint on a man's personal liberty by the power or colour of lawful authority and it also amounts to restraint on or deprivation of one's personal liberty. The question as to whether the person is arrested would depend on the fact as to whether he has been deprived of his personal liberty to go where he pleases irrespective of the label which the IO may affix on the act of restraint and the arrest would commence when restraint has been placed on the liberty of the accused and not the time of arrest recorded by the arresting officer.
- **Outcome:** The arrest was rendered illegal and the accused was granted bail.



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