



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2026  
[arising out of SLP (Crl.) No.8756 of 2025]

**SANJAY JAIN** ... APPELLANT  
VS.

**UNION OF INDIA AND ANOTHER** ... RESPONDENTS

WITH

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2026  
[arising out of SLP (Crl.) No.8775 of 2025]

**DUSHYANT CHAUDHARY** ... APPELLANT  
VS.

**UNION OF INDIA AND ANOTHER** ... RESPONDENTS

WITH

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2026  
[arising out of SLP (Crl.) No.8776 of 2025]

**NIKHIL GOEL** ... APPELLANT  
VS.

**UNION OF INDIA AND ANOTHER** ... RESPONDENTS

WITH

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2026  
[arising out of SLP (Crl.) No.18530 of 2025]

**IRFAN MALIK** ... APPELLANT  
VS.

**UNION OF INDIA** ... RESPONDENT

ORDER

Signature Not Verified

Digitally signed by  
JATINDER KUMAR  
Date: 2025.08.15  
18:56:21 [S]

**JATINDER KUMAR DATTA, J.**

1. Leave granted.
2. In the year 2021, the appellants were arrested on varying dates in relation to

offences under sections 132(1)(b), 132(1)(c) and 132(1)(i) of the Central Goods and Services Tax Act, 2017 under the CGST Commissionerate, District Meerut. Four complaint cases<sup>1</sup> were initiated against the appellants - Dushyant, Sanjay, Nikhil and Irfan Malik. Their regular bail applications were rejected by the courts concerned.

3. The allegations against the appellants are that they were operating a network of fictitious firms by obtaining GST registrations in the names of their associates and relatives. These entities allegedly used to issue fake bills and invoices to various recipients without any actual supply of goods, with the intent of fraudulently availing Input Tax Credit.
4. After a lockdown was imposed because of outbreak of COVID, the issue of decongestion of jails came to be considered by this Court in *Suo Motu Writ Petition (C) No.1/2020* and, accordingly, *vide* order dated 23<sup>rd</sup> March, 2020, this Court directed all States and Union Territories to constitute a High-Powered Committee to determine classes of prisoners who could be released on parole or interim bail, etc.
5. Keeping in view the guidelines dated 26<sup>th</sup> April, 2021 of the High-Powered Committee (which had directed that undertrial prisoners punishable for offences of imprisonment with maximum seven years be released on interim bail for 60 days) and thereafter the decision of this Court dated 16<sup>th</sup> July, 2021 in *Suo Motu Writ Petition (C) No.1/2020* (which directed that undertrial prisoners so released shall not be forced to surrender till further orders in the meantime), the courts concerned released the appellants on interim bail *vide* orders of different dates.
6. Almost two years later, this Court *vide* order dated 24<sup>th</sup> March, 2023, withdrew the earlier order dated 16<sup>th</sup> July, 2021 and directed the prisoners who had been released to surrender within 15 days.

<sup>1</sup> Case No. 4778 of 2021, Case No. 6085 of 2021, Case No. 339 of 2021 and Case No. 1026 of 2021, respectively.

7. The courts concerned thereafter proceeded to reject the bail applications of the appellants on the ground of jumping interim bail/non-surrender after withdrawal of the benefit granted *vide* order dated 16<sup>th</sup> July, 2021.
8. The appellants thereafter approached the High Court by filing regular bail applications, all of which have been dismissed *vide* the impugned orders after noting that the appellants were not in custody as they had not surrendered.
  - a. Bail applications<sup>2</sup> filed by the appellants - Dushyant, Sanjay and Nikhil - for grant of regular bail during the pendency of trial in three complaint cases pending against them, were dismissed *vide* a common impugned order dated 7<sup>th</sup> May, 2025 passed by the High Court of Judicature at Allahabad.
  - b. Bail application<sup>3</sup> filed by appellant Irfan Malik was dismissed *vide* impugned order dated 7<sup>th</sup> October, 2025 of the High Court of Judicature at Allahabad.
9. Aggrieved, the appellants have approached this Court by presenting these appeals.
10. Heard learned senior counsel for the parties.
11. The grievance of the appellants is that refusal of the High Court to consider their bail applications on the ground that they had not physically surrendered pursuant to the order of this Court was not correct as they were regularly appearing before the Trial Court. For instance, the appellant Sanjay pleaded that after the order dated 24<sup>th</sup> March, 2023, he appeared before the Chief Judicial Magistrate for around 19 times and in total 48 times. Thus, the appellants claim that they have always been in constructive custody of the Court; physical surrender was unnecessary.
12. We have been shown a chart containing the details of the appearances made by the appellants before the Trial Court. We have perused the same and also

<sup>2</sup> Criminal Misc. Bail Application No. 46316 of 2025, 46321 of 2024 and 14532 of 2025, respectively.

<sup>3</sup> Criminal Misc. Bail Application No. 26503 of 2025.

been orally informed by the counsel(s) representing the appellants regarding their appearance before the courts concerned.

- 13. Even though the appellants were released on interim bail due to a benefit extended by this Court, keeping in view the conduct of the appellants in regularly appearing before the Trial Court and the fact that nothing has come forward showing that they have involved themselves in unlawful activities or have violated any of the bail conditions during the period of their release on interim bail, no meaningful purpose would be served by directing their incarceration at this stage.
- 14. We, therefore, direct that the appellants be released on bail subject to furnishing of bail bonds to the satisfaction of the Trial Court and subject to such terms and conditions as may be imposed by it.
- 15. Needless to observe, the appellants shall co-operate in the trial, shall not, directly or indirectly, induce, threat, promise or dissuade any person acquainted with the facts of the case from disclosing such facts to any police officer or to the court.
- 16. The appellants shall appear before the Trial Court on the dates fixed, unless exempted; and should the appellants fail to appear on any date without justifiable cause or breach any of the terms and conditions for grant of bail, the Trial Court shall be at liberty to cancel the bail.
- 17. We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the case.
- 18. The appeals are allowed in the above terms.
- 19. Pending application(s), if any, stand disposed.

.....J.  
**(DIPANKAR DATTA)**

.....J.  
**(SATISH CHANDRA SHARMA)**

**NEW DELHI;  
JANUARY 07, 2026.**



ITEM NO.43

COURT NO.8

SECTION II

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(s) for Special Leave to Appeal (CrI.) No(s). 8756/2025

[Arising out of impugned final judgment and order dated 07-05-2025 in CRMA No. 46321/2024 passed by the High Court of Judicature at Allahabad]

SANJAY JAIN

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ANR.

Respondent(s)

IA No. 142392/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 142393/2025 - EXEMPTION FROM FILING O.T.

IA No. 271680/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH

SLP(CrI) No. 8775/2025 (II)

IA No. 142563/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 142565/2025 - EXEMPTION FROM FILING O.T.

IA No. 273113/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(CrI) No. 8776/2025 (II)

IA No. 142566/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 142567/2025 - EXEMPTION FROM FILING O.T.

IA No. 273335/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(CrI) No. 18530/2025 (II)

IA No. 295330/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 295332/2025 - EXEMPTION FROM FILING O.T.

IA No. 297136/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 07-01-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) : Mr. Siddharth Agarwal, Sr. Adv.  
Ms. Anindita Mitra, AOR  
Mr. Vishwajeet Singh, Adv.

Ms. Ishita Soni, Adv.  
Ms. Pranya Madan, Adv.

Mr. Sidharth Luthra, Sr. Adv.  
Mr. Sanjay Abbot, Adv.  
Ms. Sakshi Jain, Adv.  
Mr. Ayush Aggarwal, Adv.  
Ms. Ishita Soni, Adv.  
Ms. Pranya Madan, Adv.  
Mr. Mihir Joshi, Adv.  
Mr. Yash Aggarwal, Adv.  
Mr. Jaydip Pati, AOR

For Respondent(s) :Mr. N. Venkatraman, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Arijit Prasad, Sr. Adv.  
Ms. Arushi Singh, Adv.  
Ms. Mili Bexi, Adv.  
Mr. Yashraj Bundela, Adv.

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

1. Leave granted.
2. The appeals are allowed in terms of the signed reasoned order placed on the file.

(JATINDER KAUR)  
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)  
COURT MASTER (NSH)