


SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	<p style="text-align: right;">COURT'S OR JUDGE'S ORDERS</p>  <p style="text-align: right;">2026:UHC:2533</p>
			<p><b><u>BA 1<sup>st</sup> No.240 of 2026</u></b> "Smt. Suman Vs. Central Bureau of Investigation"</p> <p><b><u>Hon'ble Ashish Naithani, J.</u></b></p> <p>Mr. Pranav Singh, learned counsel for the Appellant.</p> <p>2. Mr. Piyush Garg, learned counsel for the CBI.</p> <p>3. Heard learned counsel for the Applicant and learned counsel for the CBI and perused the record.</p> <p>4. The present First Bail Application has been moved by the Applicant, Smt. Suman, who is in judicial custody since 28.11.2025, in connection with RC No. 0072025A0006, registered by C.B.I., A.C.B., Dehradun, for the offences punishable under Sections 238, 241 and 318(4) of the Bharatiya Nyaya Sanhita and Sections 12(1) and 12(2) of the Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023.</p> <p>5. Before approaching this Court, the Applicant had moved bail applications before the court below. As per the material placed on record, Bail Application No. 1318 of 2025 was rejected on 05.12.2025 and thereafter BA No. 79 of 2026 was also rejected by the Special Court, Anti Corruption (CBI), Dehradun, vide order dated 24.01.2026.</p> <p>6. The case has its genesis in the Graduate Level Examination conducted by the Uttarakhand Subordinate Services Selection Commission on 21.09.2025. Initially, FIR No. 301 of 2025 came to be registered at Police Station Raipur, District Dehradun, under the provisions of the Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023. Thereafter, the matter was taken up by the SIT and was subsequently transferred for investigation to the CBI.</p>

Upon such transfer, the CBI re-registered the matter as RC No. 0072025A0006 on 27.10.2025.

7. The allegation against the Applicant is that she was one of the outside solvers in a live examination cheating arrangement. The prosecution case is that co accused Mohd. Khalid, who was inside the examination centre, caused photographs of portions of the question booklet to be transmitted through his sister Sabia to the present Applicant and that the Applicant solved the questions and returned the answers during the subsistence of the examination itself.

8. The material relied upon by the investigating agency indicates that on the morning of 21.09.2025 there was a WhatsApp exchange between Mohd. Khalid and the Applicant, wherein a request was made to the Applicant to remain available at about 11:30 AM for solving multiple choice questions relating to his sister's examination, and the Applicant responded affirmatively. It is the specific case of the CBI that at about 11:35 AM three images containing twelve questions were transmitted to the Applicant through Sabia and that the answers thereto were sent back by about 11:45 AM.

9. The CBI further relies upon the IPDR material to contend that Mohd. Khalid, while being at the examination centre, remained engaged in an internet session through WhatsApp between 11:32:55 AM and 11:47:18 AM, with event timings corresponding to the dispatch of the questions and the receipt of solved answers. The record further reflects that at about 11:50 AM the Applicant made a voice call of 32 seconds to Sabia.

10. The record also shows that during the course of investigation one mobile phone make One Plus and a silver coloured pen drive were seized from the Applicant on 23.09.2025. Thereafter, on 25.09.2025, another mobile phone, namely Redmi

Note 8 Pro, without SIM, a paper notebook whose last page bore handwritten answers to the twelve questions, and an application addressed to the SHO, Kotwali Rishikesh, were also seized from the Applicant.

11. Learned counsel for the Applicant submits that the Applicant has been falsely implicated. It is submitted that, though the Applicant may have solved the questions sent to her, she had no knowledge that Mohd. Khalid was allegedly appearing in the said examination in place of his sister Sabia. It is submitted that the Applicant had come in contact with Mohd. Khalid in the year 2018, had saved his number in her mobile phone, and on the relevant date bona fide believed that she was dealing with Khalid himself and not with any larger fraudulent arrangement.

12. Learned counsel for the Applicant further submits that the Applicant had no knowledge about any competitive examination scheduled to be held on 21.09.2025. It is contended that she did not know that the questions allegedly sent to her were questions from a live examination and that, at best, the prosecution seeks to build a serious criminal case on assumptions and conjectures.

13. It is also submitted on behalf of the Applicant that during the earlier phase of investigation she had been treated as a witness and her statement under Section 183 BNSS had been recorded. According to learned counsel, even after the matter went to the CBI for re investigation, no concrete material was collected so as to establish conscious complicity of the Applicant in the alleged offence.

14. Learned counsel for the Applicant next submits that there is no recovery of any unexplained money from the Applicant and no material to show that she was involved in selling question papers or receiving pecuniary benefit. It is further submitted that the investigating agency has not shown any regular telephonic

interaction or physical movement of the Applicant suggestive of a continuing criminal nexus with Mohd. Khalid.

15. Learned counsel for the Applicant further submits that the charge-sheet has already been filed, the Applicant has no criminal antecedents, and she is willing to cooperate in the trial. It is also submitted that the Applicant is a woman, is in custody since 28.11.2025, and the trial is likely to take time.

16. Learned counsel for the Applicant has also raised a plea of parity by referring to FIR No. 509 of 2025, Police Station Patelnagar, District Dehradun, in which co accused Hakam Singh and Pankaj Gaur are stated to have been enlarged on bail by this Court.

17. Per contra, learned counsel for the CBI opposes the bail application and submits that the defence version is a deliberate attempt to dilute the real nature of the accusation. It is submitted that the digital material collected during investigation does not disclose a vague or incidental role, rather it points towards the conscious participation of the Applicant in solving live examination questions during the continuance of the examination itself.

18. Learned counsel for the CBI submits that the WhatsApp exchange commencing in the morning of 21.09.2025 itself shows that the Applicant had agreed to remain available for solving multiple choice questions relating to an examination scheduled for 11:30 AM. It is therefore submitted that the plea that the Applicant had no idea that an examination was taking place on that day is prima facie falsified by the very electronic conversation on which the defence itself places reliance.

19. Learned counsel for the CBI further submits that at 11:35 AM three images comprising pages 3, 4 and 5 of the question paper, containing a total of twelve questions, were shared with the

Applicant and that the answers were returned at about 11:45 AM. This chronology, according to the CBI, stands independently fortified by the IPDR material relating to Mohd. Khalid's internet activity from within the examination centre.

20. It is further submitted that the images sent to the Applicant themselves contained visible features demonstrating that the examination was in progress. The CBI asserts that one of the images contained a visible portion of the OMR answer sheet and that the nature of the images was such that their being part of a live and ongoing examination could not have escaped notice.

21. Learned counsel for the CBI next submits that the post occurrence conduct of the Applicant is also highly incriminating. According to the counter affidavit, after the conversation between the Applicant and Sabia, the three WhatsApp images containing the question paper were deleted by Sabia, while the image of the answers sent by the Applicant was deleted by the Applicant herself. The CBI also alleges that the handwritten answers on the notebook page were defaced to obliterate evidence.

22. Learned counsel for the CBI has further submitted that the Applicant, being an Assistant Professor in a Government College and a responsible public servant, cannot lightly claim ignorance of the consequences of her acts. It is further contended that the complaint allegedly prepared for the SHO, Kotwali Rishikesh, was a subsequent attempt to create a false defence, and that the said application was seized during investigation from the Applicant rather than being a contemporaneous report to the local police.

23. Learned counsel for the CBI has also opposed the plea of parity and submits that the cases relied upon by the Applicant arise from a separate FIR and do not furnish a valid basis for claiming parity in the present RC, where the role attributed to the Applicant rests upon a distinct factual and digital foundation.

24. Having considered the rival submissions, this Court is of the view that the parameters governing bail require the Court to examine, at this stage, the nature of accusation, the prima facie material collected during investigation, the seriousness of the offence, the possibility of tampering with evidence, and the overall impact of the alleged conduct on the administration of justice. At the stage of bail, the Court is not expected to record conclusive findings on guilt, yet it is equally not required to ignore strong prima facie material appearing against the accused.

25. In the present case, the accusation is not of a casual or peripheral nature. The case concerns alleged interference with the integrity of a public recruitment examination. Offences of this kind, if established, do not merely affect an individual complainant, but strike at the fairness of the entire selection process and undermine public confidence in competitive recruitment.

26. What weighs significantly with this Court is that the role attributed to the Applicant is supported, prima facie, by a specific digital chronology. The morning exchange, wherein the Applicant is shown to have agreed to solve multiple choice questions of an examination scheduled later that day, the receipt of three images containing twelve questions at about 11:35 AM, the return of the answers at about 11:45 AM, and the correlated IPDR timings of Mohd. Khalid's WhatsApp activity from within the examination centre, together furnish a prima facie chain that is not readily explainable as an innocent or accidental act.

27. The defence that the Applicant did not know that the questions related to a live examination or that Mohd. Khalid was appearing in place of his sister may be a matter to be tested at trial. However, at this stage, such plea does not substantially erode the prosecution case. First, the very initial exchange prima facie

conveys that the questions were to be solved in connection with an examination fixed for that day at about 11:30 AM. Secondly, the prosecution has specifically asserted that the images themselves disclosed features of an ongoing examination, including visible portion of an OMR sheet. These circumstances make the plea of complete ignorance difficult to accept, at least at the present stage.

28. The subsequent conduct attributed to the Applicant is also a relevant circumstance. The allegation that the answer images were deleted from the Applicant's mobile phone, that the co accused deleted the forwarded question paper images, and that the handwritten answers on the notebook page were defaced, prima facie lends support to the CBI's contention that the attempt was not merely to assist academically, but to assist covertly and thereafter obliterate traces of such assistance. The Court is conscious that these are matters for proof at trial, yet at the present stage they cannot be brushed aside as inconsequential.

29. The argument that no unexplained money has been recovered from the Applicant also does not carry the matter much further. The immediate allegation against the Applicant is not confined to monetary gain, but to active participation in solving live examination questions during the currency of the examination. In such factual setting, absence of cash recovery by itself is not decisive.

30. The submission that the Applicant was earlier treated as a witness also does not, by itself, entitle her to bail. Investigations often evolve upon further collection and analysis of material. What is relevant for present purposes is whether there now exists prima facie material justifying her implication. On the material cited by the CBI, this Court is unable to hold that the implication is manifestly arbitrary or wholly unsupported.

31. The plea of parity raised with reference to FIR No. 509 of

2025 also does not persuade this Court. Parity is not to be applied mechanically. It operates only when the role, factual matrix, and evidentiary posture are substantially comparable. In the present case, the case diary material and the CBI counter affidavit place the Applicant on a separate footing by attributing to her a direct role as the solver of live questions during the examination window. Hence, the orders passed in another FIR do not advance the present bail plea.

32. This Court has also given due consideration to the fact that the Applicant is a woman, has no criminal antecedents, is stated to be in custody since 28.11.2025, and that the charge-sheet has already been filed. These are circumstances in her favour and have not been ignored. However, on a cumulative assessment, these considerations are outweighed, at this stage, by the specific electronic material, the seriousness of the accusation, and the prima facie indications of deliberate destruction or obliteration of evidence.

33. In view of the above, this Court is of the opinion that the Applicant has not been able to make out a case for grant of bail at this stage.

### **ORDER**

Accordingly, the bail application is rejected.

It is made clear that any observation made herein is only for the purpose of deciding the present bail application and shall not influence the trial court while proceeding with the case on merits

**(Ashish Naithani, J.)**

16.03.2026

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