

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 1468/2026
CNR: RJHC020071932026 | URN: CRLMB / 2639U / 2026

Suraj Singh Dhangar S/o Shri Diwan Singh, Aged About 37 Years, R/o House No. 27, Buddh Bihar Colony Police Station, Highway District Aurangabad Khadar, Mathura, Uttar Pradesh, Presently Residing At House No. 15, Opposite Kalakunj Saree Shop, Gumanpura Police Station, Gumanpura, Kota City, Rajasthan. (At Present Confined In District Jail, Kota).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 1469/2026
CNR: RJHC020071872026 | URN: CRLMB / 2640U / 2026

Sagar Karuwan S/o Late Shri Maksiro Karuwan, Aged About 25 Years, R/o Village Makhapala Police Station Kosinga District Kalahandi Odisha Currently Resident Of House No. 987/a Maal Godown Purohit Nagar New Railway Colony Currently Tenant Of House No B-15 Rakesh Sonis House On Rent, Chhoti Sogariya Police Station Railway Colony, Kota City (Raj.) (At Present Confined In District Jail, Kota).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1470/2026
CNR: RJHC020069232026 | URN: CRLMB / 2645U / 2026

Gourav Kumar Meena S/o Shri Prakash Chand Meena, Aged About 32 Years, R/o House No. 47, Shivaji Colony Railway Colony, Police Station Railway Colony District Kota City (Raj.). (Presently Accused Confined In Central Jail, Kota).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent



S.B. Criminal Miscellaneous Bail Application No. 4823/2026
CNR: RJHC020290552026 | URN: CRLMB / 8676U / 2026

Madansingh S/o Shri Bhairusingh, Aged About 37 Years, R/o Lotiyana, Police Station Jawaja, District Beawar (Raj.) (At Present Confined In Central Jail Kota).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. V.R. Bajwa Sr. Adv. assisted by Ms. Savita Nathawat, Ms. Nidhi Sharma Mr. Vaibhav Pareek Ms. Bhumika Sharma Mr. G.L. Sharma Mr. Shanker Lal Mr. Anil Jain Mr. Dushyant Jain Mr. Bhawnesh Saini Mr. Udit Sapra
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP Mr. Subhash Chandra Mishra, Add. SP, Kota City is present in person

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

28/07/2026

REPORTABLE

1. The petitioners have preferred these bail applications under Section 483 of BNSS in FIR No.265/2025 registered at Police Station R.K. Puram, District Kota City for offences under Sections 318(4), 316(2), 338, 336(3), 340(2), 61(2)(a), 115(2), 126(2) and 238(a) of BNS, 2023 and Sections 10 and 11 of the Public Examinations (Prevention of Unfair Means) Act, 2024 (hereinafter referred to as "Act of 2024").

2. As per the prosecution story, during the examination of Central Council for Research in Ayurvedic Sciences ("CCRAS") for recruitment to the post of Multi Tasking Staff ("MTS") conducted at Kota Online I.T. Education Center, the petitioners who were entrusted with ensuring the fair and proper conduct of the above examination, allegedly supplied copying material to the candidates appearing therein.

3. Since all the bail applications arise out of the same FIR and involve common questions of fact and law, hence, they are being decided by this common order.

4. Heard learned counsel for the petitioners as well as the learned Public Prosecutor.

5. Learned counsel appearing for the petitioners contended that the petitioners have falsely been implicated in the present case merely on the basis of suspicion and the investigation has culminated in filing of the charge-sheet and, therefore, further custodial interrogation of the petitioners is no longer required. It was argued that no recovery remains to be affected from the petitioners. Petitioners have remained in custody since December, 2025 without any criminal antecedents. It was further contended that the case under Sections relating to the cheating and criminal breach of trust cannot legally co-exist. The information obtained under the Right to Information Act has been relied upon to contend that the examination conducted by the "CCRAS" does not constitute a "public examination" within the meaning of the "Act of 2024".

6. Learned counsel for the petitioners has also assailed the legality of the arrest on the ground that the constitutional and statutory safeguards relating to the communication of the grounds of arrest were not duly complied with, therefore, petitioners may be enlarged on bail. In support of the aforesaid submissions, reliance has been placed upon the following judicial precedents:

- i. **Vihaan Kumar v. State of Haryana and another, (2025) 5 SCC 799.**
- ii. **Mihir Rajesh Shah v. State of Maharashtra and another, (2026) 1 SCC 500.**
- iii. **Dr. Rajinder Ranjan v. Union of India & Anr., 2026 LiveLaw (SC) 327.**
- iv. **Jhabra Ram v. State of Rajasthan, S.B.Cr. Misc. Bail Appl. No. 4778/2026 decided on 18.05.2026.**

7. Per contra, learned Public Prosecutor has strongly opposed the bail applications and submits that the present case pertains to a well-orchestrated conspiracy to manipulate the recruitment examination by facilitating the use of unfair means. It is contended that the charge-sheet attributes distinct and specific roles to each of the petitioners. Petitioner Suraj, who is the cluster head and exam in-charge, is alleged to have concealed material facts relating to the functioning of the examination center. Petitioner Sagar, who was functioning as the venue in-charge, facilitated unauthorized access to the examination center, permitted the use of mobile phones and participated in providing the solved answer sheets to the candidates appearing in the examination. Petitioner Gaurav has received an amount of

Rs.50,000/- as part of the proceeds of the alleged conspiracy. While petitioner Madan Singh, who is partner of the examination center has coordinated with the other co-accused and facilitated the entire operation by providing the necessary infrastructure and support for the commission of the offence. Learned Public Prosecutor further submits that the CCTV footage obtained from the examination center discloses the presence of the petitioners at the relevant time and prima facie depicts their active involvement in supplying solved answer sheets and other material to the candidates appearing in the examination.

8. He submits that the acts of the petitioners are covered under the provisions of "Act of 2024", and also they have been charge-sheeted under the provisions of BNS, the fate of which is subject matter of trial. He further submits that the arrest memo of the petitioners shows that the petitioners have been narrated about the grounds of arrest and the factum of arrest was duly communicated to the relatives of the petitioners through phone on the very same day. Therefore, the judgments of the Hon'ble Supreme Court relating to the grounds of arrest and intimation of arrest to the family members have been complied with, without causing any prejudice to the petitioners. Learned Public Prosecutor has relied upon the judgment of the Hon'ble Supreme Court reported in **State of Karnataka v. Sri Darshan, 2025 SCC OnLine SC 1702** and contends that if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing, it is sufficient to assume that the accused have been communicated the grounds of arrest. The mere fact of procedural

infirmity in furnishing grounds of arrest does not constitute a valid ground for declaring the detention as illegal.

9. It is, therefore, submitted that statements recorded during investigation, the CCTV footage, the electronic evidence and the financial transactions collected by the Investigating Agency, prima facie, establish the active involvement of each of the petitioners in the alleged offence. It is further submitted that the offence alleged are of grave nature as they strike off the very sanctity of a public recruitment examination, therefore, considering the gravity and the seriousness of the allegations, the petitioners do not deserve the discretionary relief of bail and the bail applications deserve to be dismissed.

10. This Court has bestowed its anxious consideration to the rival submissions and has carefully perused the material available on record.

11. The principal contention advanced on behalf of the petitioners is that arrest stands vitiated on account of non-supply of the written grounds of arrest and therefore, they are entitled to be enlarged on bail. The issue assumes significance in view of the judgments of the Hon'ble Supreme Court in **Vihaan Kumar (supra)**, **Mihir Rajesh Shah (supra)**, **Dr. Rajinder Ranjan (supra)** and **State of Karnataka v. Sri Darshan (supra)**. The apparent divergence in the approach adopted in the aforesaid judgments necessitates an examination of the factual context in which each judgment was rendered.

12. The judgments in **Vihaan Kumar (supra)**, **Mihir Rajesh Shah (supra)** and **Dr. Rajinder Ranjan (supra)** reiterate that

the communication of the grounds of arrest is a constitutional safeguards flowing from Article 22(1) of the Constitution of India and the statutory mandate governing arrest. Above judgments emphasise that the arrested person must be made aware of the reasons for deprivation of the liberty so as to enable him to effectively exercise his constitutional and legal remedies. However, in the **State of Karnataka v. Sri Darshan (supra)**, the Hon'ble Supreme Court clarified that although furnishing the grounds of arrest in writing ordinarily constitutes the rule, every procedure lapse would not, by itself render the arrest illegal or automatically entitle the accused on bail. The Hon'ble Supreme Court held that the real test is whether the accused had substantially understood the grounds of arrest and whether any demonstrable prejudice had been occasioned by the alleged procedural lapse.

13. Thus, the apparent divergence among the aforesaid judgments is more apparent than real. **State of Karnataka v. Sri Darshan (supra)** case does not dilute the constitutional guarantee under Article 22(1) of the Constitution of India rather it explains the manner in which the consequence of an alleged procedural infraction is to be examined while considering a prayer for bail, the distinction lies between complete non communication of grounds of arrest, which strikes at the constitutional safeguards itself and a case where the grounds were substantially communicated though the mode or manner of communication is alleged to be defective. In the latter category, the courts are

required to examine whether accused has suffered any real or demonstrable prejudice.

14. In the present case, the arrest memos contemporaneously record that the petitioners were informed of the grounds of arrest and apprised of their constitutional rights and that the factum of arrest was communicated to their respective family members on the very same day. Though the petitioners dispute the sufficiency of compliance, no material has been placed before this Court to prima facie establish that they remained unaware of the accusation forming the basis of their arrest or that they were disabled from effectively exercising any constitutional or statutory remedy on account of the alleged procedural lapse.

15. Equally significant is the fact that no grievance regarding non communication of the grounds of arrest was raised before the learned Magistrate at the time of the initial remand proceedings. This circumstances cannot amount to waiver of a constitutional right nevertheless, it constitutes a relevant contemporaneous circumstance while assessing whether the petitioners had, in fact, remained uninformed of the grounds of arrest or had suffered any actual prejudice. The absence of any earlier objection is not determinative by itself but assumes material relevance in evaluating the factual foundation of the present challenge.

16. The aforesaid approach also stands reinforced by the recent judgment of the Hon'ble Apex Court in **State of Meghalaya Vs. Sonam Raghuvanshi @ Bitti @ Bittu, S.L.P (Crl.) No. 11944/2026 decided on 23.07.2026**, wherein the Apex Court distinguished between complete non service of the grounds of

arrest and alleged inadequacy in furnishing the same, holding that in the latter category, the Court must examine whether any prejudice has actually been caused to the accused. The emphasis, therefore, is upon the constitutional object underlying Article 22(1) of the Constitution of India rather than upon the mere existence of a procedural irregularity divorced from its consequences.

17. Coming to the merits of the present bail applications, the charge-sheet and material collected during investigation, attributes distinct and identifiable roles to each of the petitioners. The prosecution material, comprising statements recorded during investigation, CCTV footage, the electronic evidence and the financial trail collected by the Investigating Agency, prima facie, indicates their active participation in facilitating the commission of alleged offence rather than being passive employees of the examination center.

18. The allegations disclose a concerted conspiracy aimed at compromising the fairness, transparency and integrity of a public recruitment examination by persons who had themselves been entrusted with the responsibility of conducting the examination in a fair and impartial manner. Such offences do not merely prejudice the interests of deserving candidates but strike at the very foundation of a transparent and merit-based selection process, thereby eroding public confidence in the administration of public examinations. The societal impact of such offences is therefore of considerable magnitude.

19. The contention advanced on behalf of the petitioners that the Examination conducted by the "CCRAS" does not fall within the ambit of a "public examination" under the "Act of 2024" and allied submissions founded upon information obtained under the Right to Information Act, are intrinsically interwoven with the factual as well as legal issue requiring appreciation of evidence during the course of trial and cannot be conclusively adjudicated at this stage while exercising jurisdiction under Section 483 of BNSS.

20. Even independently of the challenge to the legality of arrest, the settled parameters governing grant of bail do not persuade this Court to exercise discretion in favour of the petitioners. The gravity of the allegation, the specific role attributed to each petitioners, the prima facie corroborative material collected during investigation and the larger public interest involved in preserving the sanctity of public recruitment examinations outweigh the consideration ordinarily favouring grant of bail at this stage.

21. The legal position which emerges is that non supply of the written grounds of arrest does not, in every case, ipso facto entitled an accused to bail. The court must examine whether the constitutional object underlining Article 22(1) of the Constitution of India substantially fulfilled, whether the accused was made aware of the grounds of arrest, whether intimation of arrest was duly communicated to the family members and above all whether any prejudice has been demonstrated. Where these safeguards stand substantially complied with and no demonstrable prejudice is established, the alleged procedural lapse, by itself would not justify the grant of bail.

22. Applying the aforesaid principles to the facts of the present case, this Court is satisfied that no case for grant of bail is made out.

23. Consequently, this Court finds no justifiable ground to exercise its discretionary jurisdiction under Section 483 of BNSS, 2023.

24. Accordingly, all the bail applications stand dismissed.

(PRAMIL KUMAR MATHUR),J