

THE STATE OF RAJASTHAN

versus

INDRAJ SINGH ETC

March 2025 Supreme Court

**FIR under Sections 419, 420, 467, 468
and 120B of Indian Penal Code, 1860 and
Sections 3 and 10 of the Rajasthan Public
Examination (Prevention of Unfair Means)
Act, 2022.**

Indraj Singh

Salman Khan

It is alleged that the Indraj Singh had compromised the sanctity of a public recruitment examination conducted by the Government, i.e., Assistant Engineer Civil Competitive Examination-2022. Another candidate had allegedly appeared as a “dummy candidate” in place of respondent Indraj Singh. The attendance sheet was allegedly tampered with, and another person’s photograph was affixed to the original admit card. The police commenced investigation and recorded the statement of the complainant, Mr. Ravi Kumar Vaishnav, Section Officer, Rajasthan Public Service Commission,

High court granted the bail to the accused on the following grounds: -

- 1. No person had received any appointments to the position for which the exam had been held;**
- 2. There was no conclusive evidence on record to show that respondent Indraj Singh had made respondent Salman Khan appear as a dummy candidate;**
- 3. Both respondents do not possess any criminal antecedents, and the investigation has been completed;**
- 4. Custody underwent is approximately two months.**

Ansar Ahmad

v.

State of U.P

2023 SCC Online SC 794

The Court must be wary of a plea for **cancellation of bail order vs. a plea challenging the order for grant of bail.**

Although on the face of it, both situations seem to be the same yet, the grounds of contention for both are completely different. Let's understand the different conditions in both the situations.

An application for cancellation of bail, the court ordinarily looks for supervening circumstances,

Whereas in an application challenging the order for grant of bail, the ground of contention is with the very order of the Court. The illegality of due process is questioned on account of improper or arbitrary exercise of discretion by the court while granting bail. So, the crux of the matter is that once bail is granted, the person aggrieved with such order can approach the competent court to quash the decision of grant of bail if there is any illegality in the order, or can apply for cancellation of bail if there is no illegality in the

order but a question of misuse of bail by the accused.

Conditions that the court must consider while

granting bail are While considering as to

whether bail ought to be granted in a matter

involving a serious criminal offence, the Court

must consider relevant factors like the nature

of the accusations made against the accused,

the manner in which the crime is alleged to

have been committed, the gravity of the

offence, the role attributed to the accused, the

criminal antecedents of the accused, the

probability of tampering of the witnesses and

repeating the offence, if the accused are

released on bail, the likelihood of the accused

being unavailable in the event bail is granted,

the possibility of obstructing the proceedings

and evading the courts of justice and the

overall desirability of releasing the accused

on bail.

When the bail can be cancelled being wrongly granted. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order.

Consideration for setting aside bail orders.

The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner.

This list is only illustrative and not exhaustive.

In the case in hand the Supreme Court held that the considerations by the High Court of lack of criminal antecedents and the period of custody are perfectly valid criteria for grant of bail, but the Court while giving due credence to them, cannot lose sight of the primary offence and its effect on society.

The bail order passed by the Rajasthan High Court was quashed and the accused were directed to surrender within two weeks.