



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. OF 2026
[Arising out of SLP (CRL.) No.19069 of 2026]

RAM BHAJAN MAHATO

...APPELLANT

VERSUS

STATE OF WEST BENGAL

...RESPONDENT

O R D E R

1. Leave granted.
2. Appellant figures as an accused in Pradhannagar Police Station FIR No. 489 of 2026 dated 10th July, 2026 for offences under sections 316(5), 318(4), 338, 336(8), 351(2)(3) of the Bharatiya Nyay Sanhita¹, 2023. Registration of the FIR was preceded by a complaint of one Vikrant Vimal alleging that the appellant, during his tenure as the councilor of ward no.3 and former Mayor-in-Council (MIC), Siliguri Municipal Corporation abused his position by granting benefits to otherwise ineligible persons under the Pradhan Mantri Awas Yojna².

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Reason:

1 BNS
2 PMAY

3. Rejection of an application for pre-arrest bail moved by the appellant under section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023³ by the Sessions Judge, Darjeeling led him to approach the High Court at Calcutta, Circuit Bench at Jalpaiguri⁴. Hearing the application for pre-arrest bail⁵ on 19th August, 2026, a Single Judge of the High Court granted ad-interim protection to the appellant. Such protection came to be extended twice on 21st August, 2026 and 10th September, 2026 by orders of different Single Judges upon consideration of status reports placed before the High Court acknowledging compliance of the orders and co-operation by the appellant with the investigating agency.
4. Another Single Judge, however, by a final order dated 29th September, 2026 rejected the application seeking pre-arrest anticipatory bail on the ground that the appellant *prima facie* may have facilitated embezzlement of public funds, which stands impugned before us. We hasten to note that in the very order the High Court observed that the appellant has been complying with the orders passed from time to time and was also co-operating with the investigating agency.
5. Mr. Mehta, learned Solicitor General emphasizes that even lately, members of the public who were otherwise not entitled but had received financial benefits under PMAY were returning the same; hence, custodial interrogation of the appellant is required for unearthing the siphoning of public funds, its utilization and identification of the beneficiaries.

³ BNSS

⁴ High Court

⁵ CRM (A) 635 of 2026

6. Since the appellant has joined investigation since the first order was made and reportedly co-operated with the investigating agency in compliance with the orders passed from time to time by the High Court by responding to the notices issued to him seeking production of bank account details, and the fact that the FIR has been lodged after a substantial delay from date of the alleged offence, we are of the considered opinion that the High Court fell in error in not granting the benefit of pre-arrest bail to the appellant.
7. In view of the above, the appeal succeeds. The impugned order is set aside.
8. It is directed that in the event of the appellant being arrested in connection with proceedings arising out of the aforesaid FIR, he shall be released on bail by the arresting/investigating officer/trial court on terms and conditions to be fixed by the trial court.
9. Needless to observe, as and when called upon to do so by the investigating officer, the appellant shall continue to join further investigation, if conducted, and also co-operate in the ensuing trial. He shall not, directly or indirectly, by inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to any police officer or to the court.
10. It is made clear that in the event the appellant breaches any of the terms and conditions imposed by it, the trial court shall be at liberty to cancel the bail of the appellant.
11. 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.

12. Interim application(s), if any, stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(SHEEL NAGU)

**NEW DELHI;
OCTOBER 05, 2026.**

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 (Crl.) No.19069/2026

[Arising out of impugned final judgment and order dated 29-09-2026 in CRM(A) No.635/2026 passed by the High Court of Calcutta Circuit Bench at Jalpaiguri]

RAM BHAJAN MAHATO

Petitioner

VERSUS

THE STATE OF WEST BENGAL

Respondent

I.A. No.306355/2026-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 05-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA

HON'BLE MR. JUSTICE SHEEL NAGU

For Petitioner(s) :Mr. Deep Kabir, Sr. Adv.
Mr. Kunal Chatterji- 1811, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.

For Respondent(s) :Mr. Tushar Mehta, Solicitor General
Mr. Nishant Awana, Adv.
Mr. Suraj Kundu, Adv.
Mr. Amogh Pandey, Adv.

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

1. Leave granted.
2. The appeal succeeds in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
ASST. REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

(signed order is placed on the file)