Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 47 of 2026

Date of Decision: 29.06.2026

State of Meghalaya,
Represented by the Commissioner and Secretary,
Home (Police) Department,
Government of Meghalaya.
Shri. Ryntihlang Rapthap,
S/o (L) Krieshon Rapthap
R/o Pynthorbah, Block-3, Shillong,
East Khasi Hills District,
Meghalaya – 793001

…. Petitioner

Vs.

Smti. Sonam Raguvanshi @ Bitti, @ Bittu
D/o Devi Singh Raghuvanshi
R/o 16. Bhagatsingh Nagar, Gali No.2,
Behind Rajiv Academy, Indore, Madhya Pradesh

…. Respondent

Coram:
Hon'ble Mr. Justice W. Diengdoh, Judge

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Appearance:

For the Petitioner/Appellant(s) : Mr A. Kumar, AG with
Mr N. Khera, Spl. PP.
Mr R. Kharkrang, Adv.
Mr A.S. Pandey, Adv.
Mr. A.H. Kharwanlang, Addl. P.P
Ms A. Malik, Adv.

Ms. I. Syiemlieh, Adv.
Mr. L. Kumar, Adv.

For the Respondent(s) : Mr S. Thapa, Adv. with
Mr S. Chanda, Adv.

JUDGEMENT AND ORDER

1. An Order dated 27.04.2026 passed by the learned Additional Deputy Commissioner (Judicial) in Bail Application No. 93(T) of 2026 in Session Case No**.** 21(T) of 2025 by which order the respondent herein, has been enlarged on bail with conditions, is the subject matter under consideration in this instant petition made under section 528 read with 483(3), BNSS, 2023.

2. By the impugned order, the learned ADC, after hearing the parties has discussed the authorities cited, and has accordingly allowed the respondent herein to be released from judicial custody, primarily on the ground that the "Grounds of Arrest" have not be intimated to the accused/respondent.

3. While assailing the impugned order, Mr. A. Kumar, the learned Advocate General (AG), has contended that the accused/respondent has previously preferred three bail applications which were rejected and this ground was raised for the first time before the learned Trial Court in the fourth bail application. However, records would show that all procedural requirements, including compliance with the provisions of section 47 and 48 of the BNSS have been carried out by the prosecution/police authorities. At the first instance, the brother of the accused/respondent was informed of her arrest, in fact, six contemporaneous documents prepared on the date of the arrest, that is, on 09.06.2025 were known to the accused/respondent since the same bears her signature. This shows that she was very much aware of the grounds of arrest at

the relevant point of time, further submits the learned AG.

4. The learned AG went on to submit that since the inception of the case, from the time an application for transit remand was filed before the Court of the learned Chief Judicial Magistrate (Incharge), Ghazipur, Uttar Pradesh, (where the accused/respondent was first arrested), the said application contained detailed particulars of the crime and a factual narration of events accompanied by all relevant documents, inter alia, intimation of the grounds of arrest has been carried out. The learned Chief Judicial Magistrate after being convinced of the same, has accordingly granted transit remand for 72 hours.

5. The next sequence of events was when the accused/respondent was produced before the learned Judicial Magistrate/Assistant to D.C. at Sohra, East Khasi Hills, where the learned Magistrate on the accused/respondent along with other accused persons being produced before it, the Court has specifically inquired from them as to whether they were informed of the grounds of arrest amongst others. This is evident from the order dated 11.06.2025 where at para 8 of the same it was recorded as "*...I have spoken to each accused person. They have stated that they are aware of the reasons why they have been arrested. I have heard them verbally state the reasons and grounds of their arrest and I am satisfied that they are well aware of the reasons and grounds of their arrest…*" submits the learned AG.

6. The learned AG has also submitted that the learned Trial Court ignoring this settled position, has passed the impugned order premised entirely upon a single typographical error, that is, the reference to "Section 403 BNS" instead of "Section 103 BNS", disregarding the fact that the accused/respondent has all along been duly communicated with the grounds of arrest, acknowledged

by her. The typographical error references a provision which is non-existence in the BNS, 2023, as such, the selective reliance to this slip is an error apparent in the face of the record. This error has also been negated by the admission of the accused/respondent herself when in the 4th bail application, the subject matter of the impugned order, it has been clearly pleaded in the application that the case registered against the accused persons was under section 403(1)/238(a)/309(6)/3(6) BNS r/w Section 25(1) (A)/35 Arms Act.

7. On the application of the law, the learned AG has submitted that reliance by the learned Trial Court in the case of **Pankaj Bansal v. Union of India & Ors., (2024) 7 SCC 576** and **Prabir Purkayastha v. State (NCT of Delhi), (2024) 8 SCC 254** is misplaced, inasmuch as the proposition in those cases speaks of the exercise of arrest power in the context of special penal statutes, namely the Prevention of Money Laundering, Act 2002 and the Unlawful Activities(Prevention) Act, 1967 but does not cover provisions under the IPC or the BNS or even the Cr.P.C. or the BNSS. Thus, treating those authorities as laying down a universally applicable requirement for all arrest, the ratio of the said cases has been expanded beyond what was contemplated by the Supreme Court which ought not to be done.

8. With regard to the other aspect of the matter, the learned AG has submitted that even if the requirement of furnishing written grounds of arrest is insisted upon, such requirement could operate only from the date on which it came to be judicially recognized. Though this is prevalent post the decision of the Supreme Court in the case of **Mihir Rajesh Shah v. State of Maharashtra & Anr. (2026) 1 SCC 500**, wherein it has now become mandatory to furnish written grounds of arrest to the accused in the language known to him/her, the same is set in motion only after the date when the judgment was passed, that is,

06.11.2025, when at para 68 it was held that "*henceforth*", recourse to such a practice is mandatory.

9. In contrast, in the case of the accused/respondent, she was arrested on 09.06.2025, before the passing of the judgment in the Mihir Rajesh Shah case, therefore the obligation imposed by such decision, which is non-existence at the relevant time will not apply to the case of the accused/respondent with reference to the time and date of her arrest, submits the learned AG. As has been submitted, at para 68 of the said Mihir Rajesh Shah, the following is found:

> "68. We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth."

10. The prospective character of such judicial directions is not a novel proposition but could be found in a catena of cases of the Supreme Court submits the learned AG, the case of **Ram Kishor Arora v. Directorate of Enforcement, (2024) 7 SCC 599**, para 23 squarely covers this case.

11. Yet another contention raised by the learned AG is the fact that admittedly, the accused/respondent having participated in the proceedings since the day when she was remanded to custody, being aware of the reasons and grounds of her arrest and in her previous three bail applications, not having raised any challenge on the ground that she was prejudiced by such proceedings, notably, on the issue of alleged non-communication of the grounds of arrest, therefore being silent on the question of demonstrable prejudice, after almost ten

months of her arrest, she cannot now come before this Court to agitate on this ground. The same being hit by the proposition laid down by the Supreme Court in the case of **State of Karnataka v. Sri Darshan Etc., 2025 SCC Online SC 1702**, para 20.1.3, 20.1.4, 20.1.5, 20.1.7, reiterated by this Court in the case of **Shri. Ronaldo Khongwir v. The State of Meghalaya & Anr., B.A. No. 6 of 2026**, order dated 26.02.2026, para 21.

12. The learned AG has again submitted that the impugned order was passed, the learned Trial Judge being persuaded by the fact that the proper grounds of arrest has not been intimated to the accused/respondent in that in all the relevant papers, where the sections of law was noted down, it has been stated that she was arrested for charges, inter alia, under section 403(1) IPC, when in fact, the case has been registered as one under section 103(1) and other sections under the IPC. Apparently, this is a typographical error which refers to a non-existent provision of law. As such, for the accused/ respondent to be let off on bail on this ground alone, such an order becomes perverse, in the light of the fact that the accused/respondent has not been misled or prejudiced by such an error.

13. The last limb of submission of the learned AG is on the ground that the learned Trial Judge while passing the impugned order has failed to consider all the material facts that are legally mandated considerations in any bail application, having decided the application only on a single procedural ground while wholly omitting to consider the nature and gravity of the offence, murder in this case, the strength of the prosecution's case, the conduct of the accused/respondent before and after the alleged commission of the crime and the likelihood of interfering with the witnesses yet to be examined. On this count, the case of **State of U.P. through CBI v. Amarmani Tripathi, (2005) 8 SCC 21**, para 18, 24 & 26 has been cited. Relevant to the facts in the case of the

accused/respondent, the case of Sri Darshan(supra) para 22.1, 22.1.1, 22.1.2, 22.1.3, 22.1.4 & 22.1.5, 22.4, 22.4.1, 22.4.2, 22.4.3, 22.4.4, 22.4.5, 23.1, 23.2, 23.3 & 23.4 was also cited by the learned AG.

14. The learned AG has reiterated that there is a consistent judicial approach by High Courts in this respect, qua alleged defects in the communication of grounds of arrest, which by itself does not vitiate custody or entitle an accused to bail under the circumstances. Instances of such authorities cited are the following:

i. **Mohd. Rias @ Rahish @ Mulla v. State (NCT Delhi), Crl. M.C. No. 5309 of 2025** - in this case which is similar and almost identical to the case of the respondent herein, the petitioner therein had challenged the validity of his arrest on account of non-supply of written grounds of arrest and that the subsequent filing of the charge sheet will not cure the alleged defect. Rejecting the challenge, the Hon'ble High Court has observed that this issue has not been raised at any stage prior to the filing of the third bail application, nearly seven months after arrest. The Court has further observed that the remand application containing grounds of arrest has been supplied to the accused and that argument on remand has been heard in his presence, thereby meaning that he was fully aware of the basis of his arrest. Taking into consideration the seriousness of the offence and the stage of the proceedings, the Court has rejected the prayer made by the petitioner.

ii. **Karan Singh v. State NCT of Delhi, 2026 SCC Online Del 282** - in this case too, while considering the scope and effect of the requirement relating to communication of grounds of arrest, the court declined to interfere where the accused has been served with remand papers disclosing the allegations made against him and that such grievance as regard communication or non-communication of grounds of arrest having been made after approximately 1 year and 9 months or so, in the absence of demonstrable prejudice, such prayer made was rejected.

15. Finally, the learned AG has made a prayer that the impugned order dated 27.04.2026 be set aside and quash and the order granting bail to the accused/respondent be annulled and further that she be directed to surrender forthwith to judicial custody.

16. In contrast, Mr. S. Thapa, learned counsel for the accused/respondent while defending the passing of the said impugned order has submitted that there is no infirmity or illegality in the same, such order having been passed taking into consideration all the attending factors, including the relevant legal position concerning the life and liberty of a citizen of this country.

17. The learned counsel has submitted that the law as regard furnishing of the grounds of arrest in compliance with the provision under Article 22(1) of the Constitution of India is no longer res-integra in the light of a catena of binding judgments in this regard which still holds the field. Reference is made to the following judgment in particular: -

i. **Prabir Purkayastha v. State (NCT of Delhi), (2024) 8 SCC 254**, para 24, 29, 30 and 45.

ii. **Vihaan Kumar v. State of Haryana and Anr., (2025) 5 SCC 799**, para 15 and 26.2.

iii. **Mihir Rajesh Shah v. State of Maharashtra and Anr., (2026) 1 SCC 500**, para 25, 26 and 28.

18. On the contention of the learned AG that even after three unsuccessful bail applications filed before the Trial Court by the accused/respondent, the fourth one being allowed, that too, solely on a new ground raised by the

accused/respondent, that is, that she was never intimated or furnished with the grounds of arrest and on this basis that the said impugned order was passed, such ground not having been taken in the earlier applications, the court could not have entertained such prayer, the learned counsel for the accused/respondent has submitted that it is equally valid that raising the issue of violation of the provision of Article 22(1) of the Constitution on the ground of non-intimation of grounds of arrest to the accused/respondent, the same being a question of law, there is no bar for the said fourth application to be preferred before the same court. The authorities relied upon by the learned counsel in this respect is the case of Prabir Purkayastha (supra), wherein at para 21 and 45 of the same the Supreme Court has held that *"...Mere fact that a charge-sheet has been filed in the matter, would not validate the illegality and the unconstitutionality committed at the time of arresting the accused and the grant of initial police custody remand to the accused".* At para 45 it was observed "*...once this Court has interpreted the provisions of the statute in context to the constitutional scheme and has laid down that the grounds of arrest have to be conveyed to the accused in writing expeditiously, the said ratio becomes the law of the land binding on all the courts in the country by virtue of Article 141 of the Constitution of India*".

19. On the issue of prejudice, the learned counsel has contended that contrary to what was submitted by the learned AG that at this juncture no prejudice would be caused to the accused/respondent if indeed such non-intimation of grounds of arrest has occurred, the fact remained that because of such non-intimation, great prejudice has been caused to the accused/respondent inasmuch as she has been deprived of her right to bail and was also unable to put up her best defence in this regard. Thus, prejudice was caused due to the violation

of Article 22(1) of the Constitution, which need not necessarily be tangible or physical but has resulted in deprivation or curtailment of her right of effective defence and bail. The case of Vihaan Kumar (supra) para 37 as well as the case of **Shri. Labius Arengh v. State of Meghalaya, BA No. 9 of 2026**, para 24 of order dated 23.03.2026 as well as the case of **Shri. Robinus Ripnar v. State of Meghalaya, BA No. 38 of 2025**, order dated 26.08.2025 para 30 and 31 has been cited in support of this contention.

20. To counter the argument of the learned AG as to the applicability or non-applicability of the ratio laid down in the Mihir Rajesh Shah case, that is, that its effect and impact would be prospective as far as the direction that the accused has to be intimated of the grounds of arrest in writing and in the language known to him, that such a direction have since been extended to those who are charged or alleged to have committed offences under the IPC etc., whereas in the case of Prabir Purkayastha (supra) and Pankaj Bansal (supra) amongst others, the directions covers only cases under other statutes except IPC and that the accused/respondent in this case has been arrested on 09.06.2025 while the judgment in the case of Mihir Rajesh Shah was delivered on 06.11.2025, therefore she cannot avail or take recourse to such authority, the learned counsel has submitted that a case in point is that of Vihaan Kumar (supra) which decision was made on 07.02.2025 (prior to the decision of 06.11.2025 in Mihir Rajesh Shah), the sections of law under consideration in that case being penal provisions under the IPC and following the ratio laid down in the case of Prabir Purkayastha, relief was granted to the accused therein. Therefore, the contention of the learned AG cannot be contemplated under the circumstances, further submits the learned counsel. The case of **Dr. Rajinder Ranjan v. Union of India and Ors., 2026 SCC Online SC 802**, which decision was rendered on

01.04.2026 and arrest was made on 03.05.2025 was relied upon by the learned counsel, particularly mentioning para 20, 22 and 23. Again, the case of **Brijesh Kothia v. State (NCT of Delhi) reported in 2026 SCC Online Del 3410**, para 26 and 27 was also cited in this regard.

21. Again, on the contention of the learned AG that the provision and mandate of Article 22(1) was duly complied with at the time the accused/respondent was arrested from Gazipur on 09.06.2025 and was duly produced before the learned Chief Judicial Magistrate, Gazipur with a prayer to grant transit remand to enable the Investigating Agency to produce her before the competent court at Sohra, the learned counsel for the accused/respondent has submitted that on a perusal of the said remand order dated 09.06.2025, it can be seen that no effective order has been passed to indicate that the grounds of arrest, or for that matter, the reasons for her arrest was ever intimated to the accused/respondent. In the said order it is also seen that the accused/respondent was not provided with any advocate or remand advocate to stand for her, instead the presence of applicants therein and the assistant prosecutor has been recorded in the said order. Even otherwise, mentioning of grounds of arrest in the report is no compliance of Article 22(1), submits the learned counsel. The case of **Mansoor Ahmed and Ors. v. The State represented by Assistant Commissioner of Police & Anr. reported in 2025 SCC Online SC 2650** has been referred to wherein at paras 3 and 10, the following is found:

> "3. The only issue for consideration in this appeal is as to whether the appellants have been furnished with the grounds of arrest when they were apprehended and, if not, whether an explanation given by the jurisdictional Court at the time of remand, followed by the remand order which indicates that the grounds of arrest were explained, would be in sufficient compliance of Section 43B of the UAPA.

> 10. Suffice it is to state that the explanation by the Court before whom the arrestees are produced can never be an adequate compliance of furnishing the grounds of arrest at the time of securing an accused."

22. Seeking to distinguish the ratio rendered in the case of Sri Darshan(supra) under the facts and circumstances of the said case, the learned counsel has submitted that in that case, there was an apparent fraud committed upon the court, inasmuch as the bail was obtained on misrepresentation of medical grounds as could be noticed in the observations made at para 22.3 of the said judgment, however it is not the case as far as the accused/respondent herein is concerned. The other pertinent ground raised by the appellant in the said case which was duly noted by the Apex Court is the fact that bail was granted to the respondent/A-2 by treating his stature as a mitigating factor, which is again, not the case herein.

23. The learned counsel has reiterated that the gravity and seriousness of the alleged offence and the apprehension that the accused/respondent may win over or intimidate witnesses cannot be the basis for refusal of bail since a holistic view has to be taken of all the facts and circumstances of the case as far as the issue of bail is concerned. The case of **Prabhakar Tewari v. State of Uttar Pradesh & Anr, (2020) 11 SCC 648**, para 7 as well as the case of **Haider Zaidi v. Central Bureau of Investigation, (2019) 20 SCC 404**, para 3 & 4 has been cited by the learned counsel in support of this contention.

24. The learned counsel has again led this Court to the Inspection Memo which is at page 104 of this petition (Annexure P/5), wherein at column 6 of the same it was noted as – "*Was the arrestee intimated about ground of arrest?*" the next column tick marked is "*yes*". However, this is with reference to the separate format under the heading "*Intimation of ground of arrest*" wherein is seen a

format in the form of a table with boxes to be tick marked containing as many as 17 in numbers. Nothing can be found in this statement, any specific allegation made against the accused respondent as far as the alleged commission of the offence is involved. In fact, the said communication addressed to the accused/respondent also shows the section involved as Section 403(1)/238(a)/309(6)/3(6) BNS, where evidently no section captioned as Section 403(1) is found in the BNS. This according to the learned counsel reflects the callous attitude of the police agency leading the accused/respondent to be in the dark as to what is the offence or nature of offence charged against her. As such, being prejudiced by the same, she is therefore entitled to be granted bail on this count.

25. There being no infirmity in the impugned order, therefore it is prayed that this Court may not upset the same.

26. This Court has extensively heard the arguments of the learned counsels for the respective parties who has stated the facts of the case and has also referred to the impugned order dated 27.04.2026 passed in Bail Application No. 93 (T) of 2026 in connection with Sessions Case No. 41 (T) 2025.

27. Before adverting to the merits of the case, in the light of what had been presented before this Court by the respective parties, the law as regard compliance of the provision of Article 22(1) of the Constitution of India read with Section 47 of the BNSS, is required to be set out.

28. The journey indeed began with the Pankaj Bansal case, where the Supreme Court has affirmed the mandate of compulsory intimation of grounds of arrest to the arrestee in writing under due acknowledgment, at the time of his arrest. This is to ensure that the arrestee is made aware of the offence said to

have been committed by him, and secondly, to enable him to prepare his defence. Though this dictum was propounded in a case under the Prevention of Money Laundering Act, 2002 (PMLA), the same principle was reinforced in the case of Prabir Purkayastha (supra), where the Supreme Court extended the scope of the dictum from the PMLA Act in Pankaj Bansal to the UAPA Act and all other criminal offences. Then came the Vihaan Kumar case in 2025 which pointedly covers offences under the IPC (now BNS) while reiterating the same principle.

29. As has been said by the learned counsel for the accused/respondent, it is now no longer res-integra that grounds of arrest as contemplated under Article 22(1) must be furnished in writing upon the arrestee at the time of his arrest or at least prior to two hours before remand. The situation as it now stands as per the case of Mihir Rajesh Shah (supra) is that such grounds of arrest must be furnished in writing and in the language known to the arrestee.

30. The next question which begs an answer is what would be the form and format for such grounds of arrest to be communicated to the arrestee to satisfy the requirement of law? What constitutes grounds of arrest has been explained at para 49 of the Prabir Purkayastha case, the same which reads as follows:

> "49. From the detailed analysis made above, there is no hesitation in the mind of the court to reach to a conclusion that the copy of the remand application in the purported exercise of communication of the grounds of arrest in writing was not provided to the appellant-accused or his counsel before passing of the order of remand dated 4-10-2023 which vitiates the arrest and subsequent remand of the appellant."

31. Again, the Supreme Court in the case of **Kasireddy Upender Reddy v. State of Andhra Pradesh & Ors 2025 SCC Online SC 1228** at para 28 and 36 have observed as follows:

> "28. For the purposes of Clause (1) of Article 22, it is not necessary for the authorities to furnish full details of the offence. However, the information should be sufficient to enable the arrested person to understand why he has been arrested. The grounds to be communicated to the arrested person should be somewhat similar to the charge framed by the Court for the trial of a case.
>
> 36. If a person is arrested on a warrant, the grounds for reasons for the arrest is the warrant itself; if the warrant is read over to him, that is sufficient compliance with the requirement that he should be informed of the grounds for his arrest. If he is arrested without a warrant, he must be told why he has been arrested. If he is arrested for committing an offence, he must be told that he has committed a certain offence for which he would be placed on trial. In order to inform him that he has committed a certain offence, he must be told of the acts done by him which amounts to the offence. He must be informed of the precise acts done by him for which he would be tried; informing him merely of the law applicable to such acts would not be enough. (See: Vimal Kishore Mehrotra (supra)."

32. Before proceeding further, at this juncture, it would be apposite to answer to the contention raised by the learned AG as regard the prospective applicability of the ratio of the case of Mihir Rajesh Shah to the case of the accused/respondent as far as the timing is concerned, emphasis being laid on the use of the word "*henceforth*" at para 68. However, the Supreme Court in the case of Dr. Rajinder Rajan (supra) relied upon by the learned counsel for the respondent in a case where the appellant were arrested and remanded to judicial custody on 03.05.2025, much before the judgment was passed in the case of Mihir Rajesh Shah, had directed released of the said appellant by giving them the benefit of the ratio laid down in Mihir Rajesh Shah. Following this, the Delhi High Court in the case of Brijesh Kothia (supra) at para 26 and 27 of the same has observed as follows:

> "26. In its most recent pronouncement dated 1-4-2026 in Dr. Rajinder Rajan, the Supreme Court has applied this dictum to arrests made on

> 3-5-2025 – i.e., before Mihir Rajesh Shah came to be pronounced on 6-11-2025 – namely, to arrests effected prior to the decision in Mihir Rajesh Shah. In Dr. Rajinder Rajan the Supreme Court has directed the release of the arrestees on bail, since the arrest memos merely recorded that grounds of arrest were orally explained but written grounds were not furnished (at least) two hours before remand. In the opinion of this court, a reading of Dr. Rajinder Rajan shows that Mihir Rajesh Shah does not create a fresh prospective regime but merely re-affirms the constitutional requirement inherent in Article 22(1) as earlier elucidated, inter-alia in Pankaj Bansal, Prabir Purkayastha, and Vihaan Kumar.
>
> 27. The decision in Mihir Rajesh Shah possibly cannot, and does not, move forward the date from which the verdict in Pankaj Bansal takes effect i.e., 3-10-2023, which position is reiterated in Prabir Purkayastha and Vihaan Kumar."

33. Under such circumstances, this Court is also inclined to agree with the proposition laid down in the case of Dr. Rajinder Rajan and also in the case of Brijesh Kothia, the same which can be made applicable to the case of the accused/respondent herein.

34. On this foundational basis, let us look into the facts and circumstances of the case of the parties herein, firstly, whether the accused/respondent was ever communicated with the grounds of arrest in writing in the language known to her at the time of her initial arrest and secondly, if intimated, whether such grounds are clear and explicit to allow the accused to comprehend the facts and basis of her arrest so as to enable her to prepare her defence. This Court has perused the document annexed as Annexure-P/4 at page 100 of this petition which is captioned "*ANNEXURE-8 (INTIMATION OF GROUNDS OF ARREST)*". The communication has been addressed to the accused/respondent and was issued at the One Stop Centre, Gazipur on 09.06.2025. The accused/respondent has also put her signature on the same. Again, what is seen

is a template format in a tabular form containing about 17 rows. It is more or less a check list of the contents of which are reproduced herein below:

	You have committed a cognizable offence in the presence of a police officer.
	You are suspected of being involved in a cognizable offence punishable with imprisonment for a term that may be less than seven years or which may extend to seven years whether with or without a fine.
	You are suspected of being involved in a cognizable offence punishable with imprisonment for a term that may extend to more than seven years whether with or without a fine or with a death sentence.
	You are reasonably suspected to be proclaimed offender.
	Suspected stolen property has been found in your possession and you are reasonably suspected of having committed an offence with reference to such property.
	You have obstructed a police officer during execution of his duty.
	You have escaped or attempted to escape from Lawful custody.
	You are suspected of being a deserter from any of the Armed Forces of the Union.
	You are suspected of being involved in an offence committed outside India.
	You, being a released convict, failed to notify your residence and any change of, or absence from, such residence after release, as required under Section 394 BNSS and thus, violated the rules framed thereunder by the State Government.
	A requisition for your arrest has been received from another Police Officer.
	A notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 was issued to you and after examination, there are sufficient grounds to suspect your involvement in the case.
	A notice was issued to you but you failed to comply with the terms and conditions of the notice or …..(illegible)….
	You have committed ……. (illegible)……. refused to

	give your name and residence to the Police Officer or gave your name and residence that the Police has reason to believe to be false.
	You were arrested by a private person, and brought to the Police station under his custody, and there is reason to believe that you are liable to be taken into custody on one or more of the grounds above.
	A bailable warrant of arrest has been issued against you by the court.
	A non-bailable warrant of arrest has been issued against you by the court.

35. It is evident that such preparation was made without any application of mind, oblivious to the factum of the case against the accused/respondent and nowhere is found any specific allegation or information as to what are the actual charges against her. Some of the entries/contents appears to be ridiculous, for example, "*You are suspected of being a deserter from any of the Armed Forces of the Union*" and another which reads as "*You are suspected of being involved in an offence committed outside India*" and yet another entry which reads as "*You, being a released convict, failed to notify your residence and any change of, or absence from, such residence after release, as required under Section 394 BNSS and thus, violated the rules framed thereunder by the State Government.*" If this is the manner in which the intimation of the grounds of arrest is made, the same reflects a total non-application of judicious mind on the part of the arresting agency, which strikes at the root of the process of arrest of an accused person, leading to this Court to come to the conclusion that the arrestee does have a strong case to contend that no such effective grounds have ever been intimated to her at the initial stage of her arrest. Therefore, the provision of Article 22(1) read with Section 47(1) BNSS have indeed been violated.

36. Even if the indication of section 403(1) BNS as one of the sections

attracted to cause arrest of the accused/respondent can be said to be a typographical error, the fact that such apparent error appears at several portion of the records herein, again, the same reflects non-application of mind by the authorities concerned, which is not fitting an action on their part. The foundational basis for building up a case against the accused/respondent being found lacking, all other attempts to rectify the subsequent actions or process will have to fail. Though this Court will not comment on the course of investigation and the findings thereof, the subsequent charge sheet filed and the eventual framing of charges against the accused/respondent not being questioned, the trial as such is not at all vitiated, the only concern raised is with regard to the procedure adopted at the initial stage, when the grounds of arrest are required to be made known and duly furnished to the arrestee.

37. Much has been said about how the concerned authorities are to prepare the grounds of arrest and how the same are to be effectively communicated to the arrestee, as has been observed by this Court in the case of Labius Arengh (supra), it would do well for the said authorities to have a re-look into this aspect of this matter as far as preparation of proper and specific grounds of arrest is concerned.

38. Consequently, this Court is not required to discuss all the other contentions raised by the parties and need not go any further except to be convinced that there is indeed no initial effective intimation of the grounds of arrest as far as the accused/respondent is concerned. The learned Trial Court in allowing the said accused/respondent to be released on bail on this count is justified to do so.

39. Accordingly, there are no materials found herein to allow this Court

to exercise its inherent power to upset the impugned order, the prayer made in this petition is hereby rejected.

40. Petition disposed of. No costs.

Judge

Meghalaya
29.06.2026
"Tiprilynti–PS"

Signature Not Verified
Digitally signed by
TIPRILYNTI KHARKONGOR
Date: 2026.06.29 21:49:02 IST