Ravinder Mehta v. State of Uttar Pradesh

Regular bail in a trap case under Section 7 of the Prevention of Corruption Act, 1988 — whether an accused can be kept in custody where the charge-sheet stands filed but sanction for prosecution has still not been granted, leaving the trial court unable

Date of Order: July 17, 2026
Case Law No: GIB-SC-2026-72
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

BACKGROUND

The appellant figured as an accused in FIR registered in December 2025, under Section 7 of the Prevention of Corruption Act, 1988. He was arrested on the same date. His prayer for regular bail was rejected by the High Court of Judicature at Allahabad by the impugned judgment and order dated 20 March 2026, against which he approached the Supreme Court.

Investigation was completed and the charge-sheet came to be filed on 07 February 2026. The prosecution proposed to examine 19 witnesses to drive home the charges against the appellant, so that once the trial began its conclusion was likely to take time. What weighed with the Court, however, was that sanction for prosecution was yet to be granted, on account of which the trial court was not in a position to take cognizance of the offence. The Court specifically enquired of counsel appearing for the respondent-State of Uttar Pradesh whether sanction had been granted, and no clear answer was furnished. The Court accordingly proceeded on the basis that sanction was still awaited. In these circumstances, Mr. Siddharth Dave, learned senior counsel for the appellant, submitted that this was an appropriate case for release on bail pending trial. The appellant had remained in custody from the date of his arrest on 09 December 2025.

COURT OBSERVATIONS

¶5. *"We find that the charge-sheet has been filed on 07th February, 2026 upon completion of investigation. Prosecution proposes to examine 19 witnesses to drive home the charges against the appellant. As it is, once the trial starts, conclusion thereof is likely to take time."*

¶6. *"However, what is of significance is that the sanction for prosecution is yet to be granted and, hence, the trial court is not in a position to take cognizance of the offence."*

¶7. *"We have enquired of the learned counsel appearing for the respondent-State of Uttar Pradesh, as to whether sanction has been granted or not. No clear answer is furnished to us."*

¶9. *"We proceed on the basis that sanction is yet to be granted. The charge-sheet having been filed as far back as on 07th February, 2026, we are surprised that the sanctioning authority is yet to activate itself."*

¶10. *"The delay in grant of sanction to prosecute cannot be used to the disadvantage of a citizen for curtailing his liberty."*

¶11. *"Taking an overall view of the matter, we find that further detention of the appellant in custody is unnecessary; hence, we are inclined to accept the appeal and grant relief as prayed by admitting the appellant to an order for grant of bail."*

¶17. *"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."*

FINAL VERDICT

Appeal allowed. The impugned order of the High Court is set aside and the appellant is directed to be released on bail on furnishing bail bonds to the satisfaction of the trial court, subject to conditions including that he shall not induce, threaten or promise any person acquainted with the facts so as to dissuade disclosure to the court, and that he shall diligently attend the trial proceedings unless exempted. The trial court is at liberty to cancel bail on breach.

Section 7 prevention of corruption act - Section 7 makes it an offence for a public servant to obtain, accept, or attempt to obtain an undue advantage (bribe) in return for performing or improperly performing a public duty or as a reward for such performance.

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