



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

LEGAL ASPECTS OF BAIL IN INDIA: A CASE COMMENTARY ON THE STATE OF ANDHRA PRADESH V. N. SANJAY

~ Adv. Nitesh Madhavi

Pravin Gandhi College of Law

ABSTRACT

This case commentary examines the Supreme Court of India's decision in The State of Andhra Pradesh v. N. Sanjay and its implications for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The decision addresses the balance between individual liberty and the needs of an effective criminal investigation, particularly where allegations concern serious corruption-related offences. It considers the relevance of custodial interrogation, the nature and gravity of the alleged offences, the prima facie material, and the limits of judicial scrutiny at the bail stage. The commentary also discusses the Court's clarification that setting aside an anticipatory-bail order does not automatically require the accused to be arrested. It argues that anticipatory bail requires a reasoned, fact-sensitive exercise of judicial discretion that protects personal liberty without prematurely deciding questions reserved for trial.

INTRODUCTION

Bail jurisprudence in India is founded on the need to reconcile two competing concerns: the liberty of an individual who has not yet been convicted and the legitimate interests of criminal investigation and the administration of justice. Anticipatory bail occupies a particularly important position within this framework because it protects an individual against arrest before custody occurs. At the same time, the remedy cannot be treated as an automatic entitlement merely because the applicant is willing to cooperate with the investigation. The Supreme Court of India has repeatedly emphasised that the discretion to grant pre-arrest protection must be exercised judicially and on the facts of each case.

The State of Andhra Pradesh v. N. Sanjay provides a useful contemporary illustration of this balance under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The decision is significant because the Supreme Court set aside an order granting anticipatory bail to a senior public servant accused of corruption-related offences, while simultaneously clarifying that interference with an anticipatory-bail order does not itself mean that custodial arrest must follow. The judgment therefore raises an important question: how should courts assess anticipatory bail when the allegations concern serious economic or corruption offences, the documentary material is substantially in the possession of the investigating agency, and the applicant argues that custodial interrogation is unnecessary?

FACTS AND PROCEDURAL BACKGROUND

N. Sanjay, an Indian Police Service officer who had served as Additional Director General of Police, Criminal Investigation Department, Andhra Pradesh and as Director General of the Andhra Pradesh State Disaster Response and Fire Services, approached the Andhra Pradesh High Court seeking anticipatory bail under Section 482 of the BNSS. The FIR alleged offences including criminal breach of trust, cheating, falsification of accounts and conspiracy under the Indian Penal Code, 1860, together with offences under the Prevention of Corruption Act, 1988.

The allegations arose from, among other matters, the procurement and development of an AGNI-NOC web portal and related hardware and from contracts concerning awareness workshops for Scheduled Castes and Scheduled Tribes. The State alleged that tender procedures had been manipulated, that payments were released without adequate verification of work, and that government funds had thereby been misappropriated. The prosecution also alleged irregularities concerning the award of contracts and the release of substantial amounts to private parties.

The High Court granted anticipatory bail. It considered, among other factors, the applicant's position as a supervisory authority, the availability of documentary material with the authorities, the absence of significant flight risk, and the contention that custodial interrogation was unnecessary. The State challenged that decision before the Supreme Court.

ISSUES BEFORE THE SUPREME COURT

The central issue was whether the High Court had correctly exercised its discretion under Section 482 of the BNSS in granting anticipatory bail. Closely connected with this was whether the absence of an immediate demonstrated need for custodial interrogation could, by itself or in the circumstances of the case, justify pre-arrest protection. The Court also had to consider the extent to which a bail court should analyse the evidence and the ingredients of the alleged offences at the pre-trial stage.

DECISION OF THE SUPREME COURT

The Supreme Court allowed the State's appeal and set aside the High Court's order granting anticipatory bail. It held that the facts and allegations, viewed at the prima facie stage, did not justify the relief granted by the High Court. The Court directed that the respondent could surrender within four weeks and seek bail before the competent court, which was to consider the application on its own merits.

The Court nevertheless made an important clarification. It observed that when a court interferes with an order granting anticipatory bail, such interference does not automatically mean that the accused must be arrested. Whether custody is actually required remains within the investigating agency's discretion, which must be exercised objectively, without bias or extraneous considerations, and on the basis of the material available. This distinction prevents the judicial review of a bail order from being converted into an automatic direction for arrest.

ANALYSIS OF THE JUDGMENT

The strongest aspect of the judgment is its rejection of an overly narrow approach to custodial interrogation. The Court acknowledged that custodial interrogation is generally a measure of last resort, but held that the question in an anticipatory-bail application is not limited to whether the investigating agency has already demonstrated an immediate need to interrogate the accused in custody. The Court relied on *Sumitha Pradeep v. Arun Kumar C.K.* and *P. Krishna Mohan Reddy v. State of Andhra Pradesh* to reiterate that the absence of a need for custodial interrogation, standing alone, cannot justify anticipatory bail. The court must first consider the

prima facie case, the nature and gravity of the alleged offence and the punishment prescribed by law.

This approach is consistent with the broader principle that anticipatory bail involves judicial discretion rather than an entitlement. In *State of Haryana v. Dharamraj*, the Supreme Court reiterated that anticipatory bail must be considered according to the facts and merits of each case. Similarly, *Sushila Aggarwal v. State (NCT of Delhi)* established that anticipatory bail is a substantive protection of liberty and ordinarily need not be restricted to a fixed period. These authorities show that Indian bail jurisprudence attempts to protect personal liberty without removing the court's responsibility to assess the circumstances of the particular investigation.

A second important feature of *N. Sanjay* is the Court's criticism of the High Court's detailed examination of the allegations. At the anticipatory-bail stage, the court is not conducting a trial. The Supreme Court referred to earlier decisions cautioning courts against elaborately examining evidence or recording findings that may prejudice the eventual trial. The High Court had considered whether the ingredients of the alleged offences were made out and had placed significant weight on the fact that documentary material had already been seized. The Supreme Court considered that approach insufficient because it risked turning the bail proceeding into a premature adjudication on the merits.

This part of the judgment is particularly important for judicial discipline. A bail court must examine whether the applicant deserves protection, but it must not conclusively decide questions that belong to the trial. The distinction is subtle: the court must examine whether there is a prima facie basis for the allegations, but it must avoid making definitive findings on disputed evidence. *N. Sanjay* reinforces this boundary.

The judgment also raises an important constitutional dimension. The Court expressly considered whether a person holding high public office should receive a different treatment from an ordinary citizen. Its answer was that the law must operate on an equal footing irrespective of the office held by the accused. This does not mean that public officials must automatically be denied bail. Rather, their status cannot become a special shield against investigation where the material otherwise justifies closer scrutiny.

CRITICAL EVALUATION

The decision is persuasive in treating custodial interrogation as one factor rather than the decisive test. If the absence of custodial interrogation automatically resulted in anticipatory bail, the statutory discretion under Section 482 BNSS would become considerably narrower than intended. Serious offences could be investigated without effective questioning merely because the applicant was able to demonstrate that documents were already available to the authorities. The Court's approach preserves room for considering the broader circumstances of the alleged offence.

At the same time, the judgment appropriately avoids equating denial of anticipatory bail with a finding of guilt. The Supreme Court expressly stated that its observations would not affect the merits of the case and left the legal and factual issues open for determination by the appropriate forum. This is essential because bail proceedings occur at a preliminary stage and the presumption of innocence continues throughout the trial.

A possible concern is that broad reliance on the seriousness of allegations may produce inconsistent outcomes if courts do not clearly distinguish between the existence of a prima facie case and the mere seriousness of an accusation. The safeguards identified by the Supreme Court are therefore important: courts should examine the material placed before them, avoid a mini-trial, consider the established factors governing anticipatory bail, and record reasons that demonstrate genuine application of mind.

CONCLUSION

The State of Andhra Pradesh v. N. Sanjay is a significant decision in the developing jurisprudence under Section 482 of the BNSS. Its central contribution lies in clarifying that custodial interrogation is relevant but not determinative, and that anticipatory bail must be assessed on the totality of the circumstances, including the prima facie case, nature and gravity of the allegations and the requirements of investigation. The judgment also reinforces the limits of judicial scrutiny at the bail stage by cautioning against detailed findings on disputed evidence.

The decision ultimately reflects the continuing constitutional balance between individual liberty and effective criminal investigation. A sound bail system cannot treat every allegation as sufficient reason for arrest, but neither can it reduce anticipatory bail to a presumption in favour of the applicant. The better approach is a reasoned, fact-sensitive exercise of discretion. N. Sanjay strengthens that approach by insisting both on equal treatment before law and on an investigation that proceeds objectively, while leaving guilt or innocence to be determined at the proper stage of criminal adjudication.

FOOTNOTES

1. The State of Andhra Pradesh v. N. Sanjay, 2025 INSC 973, ¶¶ 21–30 (Sup. Ct. India July 31, 2025).
2. Bharatiya Nagarik Suraksha Sanhita, 2023, § 482 (India).
3. Prevention of Corruption Act, 1988, §§ 7, 13 (India).
4. Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1.
5. State of Haryana v. Dharamraj, 2023 INSC 784.
6. Sumitha Pradeep v. Arun Kumar C.K., (2022) 17 SCC 391.
7. P. Krishna Mohan Reddy v. State of Andhra Pradesh, 2025 INSC 725.
8. State v. Anil Sharma, (1997) 7 SCC 187.
9. Niranjana Singh v. Prabhakar Rajaram Kharote, (1980) 2 SCC 559.
10. Vilas Pandurang Pawar v. State of Maharashtra, (2012) 8 SCC 795.
11. Atulbhai Vithalbhai Bhandari v. State of Gujarat, (2023) 17 SCC 521.
12. N. Raghavender v. State of Andhra Pradesh, CBI, (2021) 18 SCC 70.