



Non-Reportable

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

**Criminal Appeal No. _____ of 2026
[@ Special Leave Petition (Crl.) No.1760 of 2026]**

The State of Maharashtra

...Appellant

Versus

Rahul Datta Bhosale & Ors.

...Respondents

ORDER

Leave granted.

2. When law enforcers turn extortionists, the citizen looks askance and is left in a dilemma. To confront, is to invite instant retaliation and the option is only to succumb meekly to the uniformed authority, even when there is patent abuse.

3. The High Court in the instant case granted anticipatory bail to the three respondents, who are accused of misusing their authority subjecting a man and his minor daughter to undue stress and allegedly extracting money to save them of further action with respect to a gold bar found in their

baggage. The High Court threw to the winds the caution expressed by this Court in the ***State of Jharkhand v. Sandeep Kumar***¹, wherein an abuse of authority, by way of correcting an FIR and altering the identity of accused, came up for consideration. This Court held that in every case of anticipatory bail the factors which ought to weigh with the Courts are, the gravity of the offence, probity of the evidence, antecedents of the accused, possibilities of; flight, tampering with evidence, influencing witnesses, the impact on society and any aspect peculiar to the case or the accused. The grant of anticipatory bail especially to a wayward police officer charged with enforcement of law, where the normal presumptions applicable to an accused-layperson would not apply, was frowned upon especially when there is a clear abuse of authority.

4. The brief facts leading to the registration of FIR No.451/2025 dated 17.08.2025 at the Mumbai Central Railway Police Station are as follows. The de-facto complainant with his daughter, travelling from Mumbai in

¹ (2024) 14 SCC 265

the Hapa Duronto Express, accompanied by his brother-in-law who came to see him off, were detained by police personnel of the sabotage-detection detail at the railway station. While searching the passenger's baggage a gold bar of 14 grams and cash of Rs.31,900/- were detected. Allegedly, despite giving a satisfactory explanation one of the uniformed men took the passenger along with the child and the brother in law to a nearby room wherein they were intimidated and verbally abused, forcing them to part with cash, for restoring the gold without taking further action.

5. The Additional Sessions Judge rejected the application for anticipatory bail. The High Court allowed the same by a cryptic order after viewing the CCTV footage collected in the course of investigation, finding the accused to be wearing identity cards, the *de-facto* complainant and his daughter showing no signs of distress, coupled with the delay in lodging the FIR and unblemished service of the accused.

6. We heard Sri Bharat Bagla, learned counsel for the State, who pointed out the various guidelines as produced

in the memorandum, which required search and seizure to be conducted with proper video recording. The police men had taken the *de-facto* complainant along with the two others accompanying him, to an enclosed room where there were no cameras placed. Though the time spent inside the room was minimal it was sufficient to validate the contention of intimidation and forcing the *de-facto* complainant to part with money; the gold and the money having already been revealed when the baggage was checked in the open. The learned State Counsel emphasized that the State would not tolerate such uniformed excesses on the citizen and pointed out that as of now the three officers stood dismissed from service after a proper enquiry. It is argued that though a criminal trial requires a higher standard of proof, ie: beyond reasonable doubt, the preponderance of probability which stood satisfied in the domestic enquiry validates the stand of the State that custodial interrogation is necessary and the grant of anticipatory bail was irregular and illegal.

7. Sri Sudhanshu S. Choudhary learned Senior Counsel appearing for the respondents contends that the State is

being unnecessarily vindictive against the officers who have more than 20 years of unblemished service. The entire story is cooked up as is revealed from the delay in lodging the FIR. Though the *de-facto* complainant and his daughter travelled in the Durgam Express, the person accompanying them could have made a complaint immediately before the jurisdictional Police Station. It was after two days that a complaint was registered at Ratangarh (GRP Jodhpur) Police Station, which was transferred to the jurisdictional Police Station. The accused had returned the gold to the person searched and the accusation of extortion of money is on its face a falsehood. The *de-facto* complainant was taken to the Sabotage Room only since a gold bar was detected in the bag; the credentials for which could not be produced.

8. We were also shown the CCTV footage, which the High Court viewed to find the passengers to be free of any signs of distress. The *de-facto* complainant with the child and another adult were detained by two police men who were carrying out routine search on the railway station having been posted there on a security detail under the

Anti-Sabotage Unit of the Railway Police. We can see from the footage that after search, the two adults and a child were taken to a room and after a few minutes, only the adults and the child emerged. We are surprised that the High Court observed that there is no sign of distress on them, especially when their expressions are not clear in the footage. We also notice that the two adults were moving ahead, one of them gesturing frantically with his hands while the child was trailing behind: a definite indication of distress. We also find that the time they spent inside the closed room was sufficient for the police men to carry out the complained of actions, which we hasten to observe have to be in any event proved in a criminal trial.

9. Moreover, the accused emphasized on their identity cards having been clearly displayed while the State contends that it was either covered by a mobile phone placed inside the pocket or hung, face down. We would for the moment accept that the ID cards were properly displayed, but only to observe that when citizens are waylaid by uniformed men it is not often that they note the

name from the ID cards for recollection later. Yet again, to read the fine print on a name plate or an identity card, a person detained would have to crane their neck, which the uniformed personnel would take affront to as an act of confrontation.

10. One other aspect on which the learned Senior Counsel vociferously argued was the return of gold bar, which we, on the other hand, find to be validating the allegation of extortion. The accused do not have a contention that they were shown the documents to validate the possession of the gold bar. The only contention taken up is that the *de-facto* complainant having shown them his identity card in the closed room he was released immediately. The very accusation against the *de-facto* complainant was that the gold bar having been found in his baggage he was taken to the room where the superior officer was present. There is no contention taken that any documents were produced to validate the possession of gold, in which event the proper measure to be adopted was for the police officers to put the law into motion by informing appropriate authorities.

Obviously, the *de-facto* complainant was let off on his identity being revealed, which could have been done in the open.

11. We also take note of the various Standard Operating Procedures produced in the memorandum. Annexure P6, require police personnel who find valuable items on search to verify the '*Bar Code Linked Identification Card*' issued by the Jewelers Association along with the accompanying documents detailing the description, weight and receipt of valuable item. It is also mandated that such inspection shall be conducted in a secure location within the police station premises without carrying it out openly with the rigor of recording the inspection on video. Here, the *de-facto* complainant was taken inside a closed room where there was no CCTV available. The search conducted is also to be recorded in a register, the certified copy of which, issued by the Mumbai Railway Commissionerate at Ext.P13, does not indicate the name of the *defacto* complainant. One other aspect which disturbs us considerably, is the total

insensitivity displayed by the police men to the child accompanying the persons detained.

12. On the above reasoning, we set aside the order of the High Court and cancel the anticipatory bail granted. The State and the police force shall take appropriate measures. But we make it clear that observations made by us hereinabove are *prima facie* in nature and only on the propriety of granting anticipatory bail on the peculiar facts, which if found true, erodes the credibility of the force and vitiates the trust placed on them to maintain law and order; which in any event shall not govern the trial as such.

13. The appeal stands allowed.

14. Pending application (s), if any, shall stand disposed of.

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI
MAY 27, 2026.