2026 INSC 1141

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
[ARISING OUT OF SLP (CRL.) NO. 15822 OF 2026]

MAHESH CHANDRA JOSHI **... APPELLANT**

VS.

STATE OF RAJASTHAN **... RESPONDENT**

AND

CRIMINAL APPEAL NO. OF 2026
[ARISING OUT OF SLP (CRL.) NO. 15862 OF 2026]

MUKESH PATHAK **... APPELLANT**

VS.

STATE OF RAJASTHAN **... RESPONDENT**

O R D E R

1. Leave granted.

2. Special Leave Petition (Crl.) No. 15822 of 2026 and Special Leave Petition (Crl.) No. 15862 of 2026 were called on and heard sequentially on 12th October, 2026. Since both petitions emanate from a common FIR[1] and take exception to a common judgment and order dated 13th

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Date: 2026.10.16 17:25:15 IST
Reason:

[1] First Information Report No. 245/2024 registered on 30th October, 2024 for offences punishable under Sections 7(c), 9, 10, 12, 13(1)(a) read with Section 13(2), and Section 12 of the Prevention of Corruption Act, 1988 (as amended in 2018), and Sections 409, 466, 467, 468, 471, 477A, and 120B of the Indian Penal Code (IPC), 1860, hereafter subject FIR

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August, 2026[2], passed by the High Court of Rajasthan, Jaipur Bench[3], we propose to decide the appeals by this common order.

3. By the impugned judgment, the High Court rejected the applications of the appellants—Mahesh Chandra Joshi[4] and Mukesh Pathak[5]—seeking regular bail.

4. Preliminary Enquiry No. 06/2024, registered on 18th January, 2024 by the Police Station, Anti-Corruption Bureau, Jaipur[6], to enquire into allegations of widespread irregularities in tenders floated by the Public Health Engineering Department, Government of Rajasthan[7], under the "Jal Jeevan Mission", culminated in the registration of the subject FIR.

5. In essence, the prosecution alleges that between 2021 and 2023, two proprietorship concerns—M/s Shri Ganpati Tubewell Company (owned by co-accused Mahesh Mittal) and M/s Shree Shyam Tubewell Company (owned by co-accused Padam Chand Jain)—acting in concert with public servants in the PHED and private individuals, participated in 237 tenders (68 and 169 tenders, respectively) on the strength of forged and fabricated work completion certificates and letters of acceptance purportedly issued by IRCON International Limited[8]. Utilising these fabricated credentials, the two firms emerged as the lowest (L-1) bidders and secured work orders in 104 tenders (31

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[2] impugned judgment
[3] High Court
[4] S.B. Criminal Misc. Bail Application No. 11321/2026
[5] S.B. Criminal Misc. Bail Application No. 4007/2026
[6] ACB
[7] PHED
[8] IRCON

tenders valued at Rs. 859.2 crore and 73 tenders valued at Rs. 120.25 crore, respectively) aggregating to Rs. 979.45 crore.

6. Mr. Siddharth Luthra and Mr. Siddharth Aggarwal, learned senior counsel appearing for the appellant—Mahesh Chandra Joshi, and Mr. Kaushal Sharma, learned counsel appearing for the appellant—Mukesh Pathak, have advanced extensive submissions contending that the appellants are entitled to be enlarged on bail. *Per contra*, Mr. S. V. Raju, learned Additional Solicitor General, and Mr. Padmesh Mishra, learned Additional Advocate General, appearing for the respondent-State, have vehemently opposed the appeals.

7. We have perused the materials on record in both the appeals which disclose that the controversy surrounding the use of forged IRCON certificates in PHED tenders unfolded through several administrative and criminal proceedings.

8. Since the present appeals are confined to the question of grant of bail, we are neither required nor inclined to embark upon a roving inquiry into the merits of the prosecution case or to adjudicate upon the legal contentions raised by learned counsel on behalf of the appellants concerning the maintainability of successive FIRs, the plea of double jeopardy, the alleged infraction of Section 17A of the Prevention of Corruption Act, 1988 or the legality of the arrest of appellant Mahesh Chandra Joshi. All such contentions are left open to be agitated before the appropriate forum in accordance with law.

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9. There can be no gainsaying that allegations of large-scale financial impropriety and institutional collusion in the execution of a public welfare project such as the "Jal Jeevan Mission" are grave and warrant serious scrutiny. We think, the State is justified in opposing the grant of bail to persons accused of involvement in such extensive criminal activity. Nevertheless, the gravity of the allegations, however serious, cannot by itself eclipse all other considerations governing the grant of bail or justify indefinite pre-trial detention.

10. Adverting to the facts on record, we find that several weighty circumstances could tilt the balance in favour of granting bail to the appellants, which are:

a. Investigation *qua* both the appellants is complete, having culminated in filing of Chargesheet No. 80/2026 on 12th April, 2026 (against appellant Mukesh Pathak), followed by Supplementary Chargesheet No. 80-B/2026 on 29th June, 2026 (against appellant Mahesh Chandra Joshi). The edifice of the prosecution's case rests overwhelmingly upon documentary records and electronic trails comprising *inter alia* tender files, minutes of Bid Evaluation and Finance Committees, official note-sheets, correspondence with IRCON, bank account statements, forensic reports of seized mobile devices, call detail records, and transcripts of intercepted conversations, — all of which have already been seized and are in the custody of the investigating agency. No further custodial interrogation or recovery is required

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from either appellant, and the apprehension of tampering with documentary or electronic material stands substantially obviated.

b. Significantly, both the appellants have already been enlarged on bail in connected prosecutions arising out of the very same factual substratum:

i. Appellant—Mahesh Chandra Joshi—a senior citizen aged about 72 years, has remained in custody in connection with investigation of the subject FIR since 7th May, 2026 (for over five months). Prior thereto, in the connected proceeding[9] under the Prevention of Money Laundering Act, 2002[10], which involved the same underlying allegations and the specific financial trail of Rs. 50 lakh to M/s Sumangalam Landmark LLP, he suffered incarceration for over seven months before being enlarged on regular bail by this Court *vide* order dated 3rd December, 2025[11], subject to stringent conditions. Nothing has been placed on record to suggest that between his release on 3rd December, 2025 and his arrest in the subject FIR, he misused his liberty, attempted to influence witnesses, or impeded the investigation in any manner.

ii. Appellant—Mukesh Pathak—has been in continuous custody in the subject FIR since 18th February, 2026 (for nearly eight months). In CBI Case No. RC2172024A0008, which specifically

[9] ECIR No. JPZO/29/2023 dated 21st August, 2023
[10] PMLA
[11] 2025 SCC OnLine SC 2633

investigated the fabrication of the very same IRCON certificates, the operation of the fake email IDs, the receipt of funds from M/s Shri Ganpati Tubewell Company, and the staged verification at Hotel Woodlark in Kattappana, Kerala, he was arrested during investigation and was granted regular bail by the Special Judge (CBI) on 27th January, 2026[12], besides being on bail in the connected PMLA proceeding.

c. The record of the case is undeniably voluminous, involving 22 accused persons, three chargesheets, 124 cited prosecution witnesses, and 192 documents spread over 20,000 pages. Admittedly, charges have not yet been framed, and the trial is yet to commence for several reasons. Further, investigation into the complicity of some co-accused persons is still pending, and several other co-accused persons against whom arrest warrants have been issued remain absconding. Having regard to the sheer volume of oral and documentary evidence proposed to be adduced, the trial as and when it commences is likely to take sufficient time to conclude in the near future. As repeatedly emphasised by this Court, prolonged pre-trial detention cannot be permitted to degenerate into punishment without trial in derogation of an undertrial's Fundamental Right to personal liberty and speedy trial guaranteed under Article 21 of the Constitution[13].

[12] Misc. Criminal Case No. 10/2026
[13] 2026 SCC OnLine SC 2022, para 12

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d. We are also mindful that several co-accused in the subject FIR have been granted interim protection or bail. Notably, co-accused Arun Srivastava (then Additional Chief Engineer) was enlarged on bail by the High Court *vide* order dated 1st June, 2026[14], and co-accused Shubhanshu Dixit (then Secretary, RWSSMB[15]/PHED Finance Committee) and Sanjay Badaya (the alleged intermediary for the appellant Mahesh Chandra Joshi) have recently been enlarged on bail by this Court *vide* order dated 29th September, 2026[16].

11. Viewed in the totality of the aforesaid circumstances, we are satisfied that further pre-trial incarceration of the appellants is neither warranted nor necessary, and that any legitimate apprehension of the prosecution can be adequately safeguarded by imposing appropriate conditions.

12. Consequently, the impugned judgment insofar as it relates to the appellants cannot be sustained and is, to that extent, set aside.

13. Appellants—Mahesh Chandra Joshi and Mukesh Pathak—are directed to be released on bail in connection with the subject FIR, unless their custody is required in any other case, upon furnishing bail bonds and sureties to the satisfaction of the trial court and subject to such further terms and conditions as the trial court may deem fit to impose, apart from the following:

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[14] in S.B. Criminal Misc. Bail Application No. 4864/2026
[15] Rajasthan Water Supply and Sewerage Management Board
[16] *Supra* note 13, para 15

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a. appellants shall surrender their passports, if not already surrendered, to the trial court and shall not leave India without prior permission of the trial court;

b. inasmuch as further investigation is pending against certain other accused persons, the appellants shall appear before the Investigating Officer and cooperate with the investigation as and when called upon to do so;

c. appellants shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case or tamper with the prosecution evidence in any manner; and

d. appellants shall regularly and punctually appear before the trial court on each date of hearing, unless specifically exempted by the trial court for justifiable cause, and shall cooperate in the expeditious conduct of the proceedings.

14. Should either of the appellants breach any of the conditions imposed or default in appearing before the trial court without sufficient cause, it shall be open to the trial court to cancel the bail of the defaulting appellant and pass appropriate orders in accordance with law.

15. We clarify that the observations made in this order are confined solely to the adjudication of the appellants' prayers for bail herein and shall not be construed as an expression of opinion on the merits of the case, the specific roles attributed to the appellants, or the probative value of the materials on record, all of which shall be examined independently by the trial court at the appropriate stage.

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16. The appeals stand allowed on the aforesaid terms. Pending application(s), if any, shall also stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(SHEEL NAGU)

NEW DELHI;
OCTOBER 16, 2026.

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