

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

7.

OA 2663/2025 WITH MA 3693/2025

Ex Sgt Rangswamy BT Applicant
Thru Pairokar Lakshmikantha K R Brother in Law of Appellant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Raj Kumar, Advocate
For Respondents : Mr. S.R. Swain, Advocate with
Mr. Ankush Kapoor, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
12.09.2025

MA 3693/2025

This is an application filed for grant of bail to the applicant pending confirmation of the sentence and promulgation of the same.

2. The appellants have been subjected to District Court Martial (DCM) and the following punishments have been imposed on him:

- (a) Reduced in rank.
- (b) Rigorous imprisonment for four months in the Air Force custody.
- (c) Dismissed from service.

3. Respondents submit that as the pre-confirmation proceedings and promulgation is still in progress, at this stage, bail cannot be granted to the applicant.

4. On the contrary, learned counsel for the appellant points out that the applicant has been in custody for a total period of 109 days since 05.06.2025 to 12.09.2025 and the remaining custody is now only 2 months.

5. Recently, the Hon'ble Supreme Court in the case of Aasif @ Pasha Vs. State of U.P. & Ors. (Criminal Appeal No.3409/2025 decided on 06.08.2025) has considered the issue of grant of bail and the principles curled out in the said judgement reads as under:

21. The High Court should have been mindful of the fact that the appeal is of the year 2024. Appeal of 2024 is not likely to be taken up in near future. Ultimately, if 4 years are to elapse in jail the same would render the appeal infructuous and that would be travesty of justice.

22. In such circumstances, referred to above, we set aside the impugned order and remand the matter to the High Court for fresh consideration of the plea of the appellant – herein for suspension of the substantive order of sentence keeping in mind the principles of law as explained by us aforesaid. The High Court shall keep in mind that the sentence is for a fixed term, i.e. 4 years and it is only if there are any compelling circumstances on record to indicate that the release of the appellant would not be in public interest that the Court may order accordingly.

6. Judicial notice can be taken note of the fact that in this Tribunal Court Martial cases right from 2009 onwards are

pending and it is taking more than 05 years to hear and conclude them on account of various administrative reasons and if in this case where the sentence is only for the period of four months and the appellant has already undergone 109 days of the sentence if after hearing of the appeal the appellant is acquitted or even in exercise to the powers available to this Tribunal under Section 15 of the Armed Forces Tribunal Act, 2007, the sentence of imprisonment is reduced. The period of custody undergone by the applicant cannot be compensated, this would be an irreparable damage and loss to the applicant and, therefore, the principles laid down by the Hon'ble Supreme Court in the case of Aasif @ Pasha (supra) clearly applies.

7. Accordingly, this application is allowed and the appellant shall be released on bail on his furnishing a personal bond in the sum of Rs.5,000/- (Rupees Five Thousand Only) with one surety of the like amount to the satisfaction of the Joint Registrar (Judicial) of this Tribunal subject to the following conditions:

- (a) That the appellant, if holder of a passport, shall surrender the same to the Joint Registrar, Armed Forces Tribunal, Principal Bench, New Delhi, else he shall file

an affidavit to the effect that he does not hold a passport.

(b) That the appellant will not commit any offence while on bail and shall not indulge in any act of violence by words or physical act against any officer of the Indian Air Force.

(c) That the appellant will not try to approach any of the witnesses who have testified against him with a view to threaten or intimidate them.

8. It is further made clear that as and when the appellant is informed to appear before the Competent Authority for the purpose of participating in the confirmation and promulgation proceedings, he shall appear without any default and in case any default is committed by him, the respondents will have the liberty to seek cancellation of this order.

9. With the aforesaid, the MA stands disposed of.

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10. Issue notice. Mr. S.R. Swain, learned counsel appearing for the respondents, accepts notice. Let counter affidavit be filed within six weeks. Rejoinder, if any, may be filed within two weeks thereafter.

11. List the matter again on 25.11.2025
12. A copy of this order be given '*DASTI*' to the learned counsel for the parties.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

/PS/