CASE ANALYSIS

India’s Supreme Court Grants Pawankumar Uike UAPA Bail After Four Years in Custody

The Court granted regular bail after finding that none of 39 prosecution witnesses had testified and that the custody record contradicted the High Court’s finding of late surrender.

By Shahbaz Shah · 26 November 2026

Pawankumar Uike v. State of Maharashtra · 2026 INSC 1268

Download judgment PDF · Judgment page



AI-generated editorial illustration for Shahbaz Shah Legal Journal.

Pawankumar Fakirchand Uike had spent more than four years in custody and none of the 39 prosecution witnesses had been examined. India’s Supreme Court granted him regular bail in a case alleging offences under the Unlawful Activities (Prevention) Act and criminal conspiracy under the Indian Penal Code. The bench examined both the time already spent in custody and the time the trial was likely to take. Paragraphs 3, 15 and 17–21.

Delay and the custody record

Uike was arrested in July 2022. His case was committed to the Gadchiroli Sessions Court in January 2023, and charges were framed only on 13 July 2026. The Bombay High Court’s Nagpur Bench refused bail. It attributed some of the delay to an alleged late surrender after temporary release and declined to give Uike the benefit of parity with two co-accused who had already obtained bail. Paragraphs 3–8 and paragraph 15.

The Supreme Court examined the Nagpur Central Prison custody certificate and held that the High Court had erred in treating Uike as having surrendered late. The bench also pointed out that the State’s own account left the long interval before charges were framed unexplained. The witness list and the early stage of the trial weighed in favour of release. Paragraphs 15–20.

Constitutional bail in a UAPA case

Section 43D(5) restricts bail when the available material gives reasonable grounds to believe the accusation is prima facie true. Applying Union of India v. K.A. Najeeb, the bench held that constitutional courts retain power to grant bail where prolonged detention and trial delay infringe fundamental rights. Uike's custody, the stage of the trial and the earlier release of co-accused all mattered to the decision. The trial court will set bond and any further conditions and can cancel bail for violations or interference with the evidence. Paragraphs 13–14 and paragraphs 20–24.

Official court PDF · Supreme Court judgment list.

Frequently asked questions

Does the UAPA restrict bail in this type of case?

Section 43D(5) sets a prima facie threshold. The Court said constitutional courts can still intervene where excessive detention and trial delay infringe fundamental rights. Paragraphs 13–14.

Why did the alleged delay in surrender matter?

The High Court used it to attribute trial delay to Uike. The Supreme Court held that the prison custody certificate showed timely surrender and rejected that finding. Paragraph 17.

How far had the trial progressed?

Charges had been framed in July 2026, and none of the 39 prosecution witnesses had been examined when the Supreme Court decided bail. Paragraphs 15 and 18.

Who determines the conditions of release?

The trial court fixes the bonds and other appropriate conditions and can cancel bail for a breach or interference with evidence or witnesses. Paragraphs 21–22.