

Recent Legal Current Affairs (July 1 to 15, 2025)

1. Anticipatory Bail in NDPS Cases

Case in Detail

- The accused was arrested under Section 37 of the NDPS (Narcotic Drugs and Psychotropic Substance) Act, 1985 for possessing 60 kg of Doda Post and 1kg and 800 grams Opium.
- Petitioner was specifically named as the supplier of the drugs by the co-accused and there was also a record of telephonic conversation between petitioner and co-accused and there was a bank transaction between them.
- The Punjab and Haryana High Court denied Anticipatory Bail to the accused so the accused then approached the Supreme Court.
- A Supreme Court bench led by **Justices Pankaj Mithal** and **KV Viswanathan** passed the order by saying that we are not satisfied that any error has been committed by the High Court in refusing anticipatory bail to the petitioner in the NDPS Case.

Legal Provisions Involved

Under Section 37 of the NDPS Act, in cases involving commercial quantities of narcotics, bail can only be granted to the accused if the Public Prosecutor is given an opportunity to oppose it, and the court is satisfied on reasonable grounds that the accused is not guilty and will not commit any further offenses while on bail.

Anticipatory Bail– Anticipatory bail is a pre arrest bail. It is a preventive relief provided by courts to individuals who have reason to believe they may be arrested for committing a non-bailable offence. Under BNSS, anticipatory bail serves as a legal safeguard against undue harassment and aims to balance the interests of justice and personal liberty. Anticipatory bail previously mentioned under Section 438 of the Criminal Procedure Code (CrPC), 1973, now it is placed under Section 482 of BNSS. It empowers the High Court and the Court of Session to grant pre-arrest bail with specific conditions tailored to prevent the misuse of liberty.

2. POSH Act in case of Women Advocates

- In a Judgement given by the Bombay High Court held that the POSH Act, 2013 does not apply to sexual harassment complaints filed by women advocates against their colleague at the Bar Council of India (BCI) or Bar Council of any State because there is no employer–employee relationship between advocates and Bar Council.
- The UNS Legal Women Association had sought directions from the court for these Bar Councils to establish Internal Complaints Committees (ICCs) or grievance redressal mechanisms under the **Supreme Court’s 2012 Medha Kotwal Lele guidelines**.
- During the hearing advocates for BCI argued that since the POSH Act is based on an employer–employee relation so it doesn’t apply to practicing advocates.
- The High Court confirmed that although the POSH Act can apply to employees of the Bar Councils, it does not extend to advocates themselves.
- While addressing women advocates’ problem the Court mentioned **Section 35 of the Advocates Act, 1961**, which allows grievances related to professional or other misconduct including harassment at workplace to be taken before State Bar Councils.
- The PIL was dismissed by concluding that no further court-mandated measures are required in this case.

Legal professionals have criticized this judgment for leaving a gap in the protection of women advocates: POSH Act was made to provide protection to women at the workplace, while protection provisions under the Advocates Act, 1961 are confined to general professional disciplinary action that may lack the same sensitivity and procedural safeguards as mentioned under the POSH Act.

Legal Provisions involved

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or POSH Act deals with protection of women at workplace from sexual harassment. It deals with the establishment of Internal Complaint Committees (ICC) in an Organisations with 10 or more employees to deal with the complaints of sexual harassment.



3. Supreme Court on Eco-Sensitive Zone

Background

- A stone crusher unit in Kerala was stopped from operating approximately 1.6 km from the Choolanoor Peafowl Sanctuary, which is part of an Eco-Sensitive Zone (ESZ).
- The stone crusher unit said that it only processes externally sourced stone and is not engaged in quarrying of the stone, therefore the ESZ restrictions (mentioned in the Godavarman case) shouldn't apply.
- Kerala High Court relied on Supreme Court judgement in Godavaram Case while delivering its ruling.

Supreme Court Proceedings

- In June 2025, the Supreme Court bench heard the Special Leave Petition (SLP). Senior Advocate S.P. Chaly mentioned that- The stone crusher is beyond the notified ESZ boundary (1.6 km away) and the unit only crushes materials brought from outside, performing no mining operations.
- The Court allowed the SLP to be withdrawn, while granting liberty to the stone crusher unit to raise all points before the Kerala High Court, including the status of stone crusher outside the ESZ and the clear difference between crushing and mining.

Legal Provisions Involved

Eco-sensitive zones are declared under The Environment (Protection) Act, 1986. The Ministry of Environment declares eco-sensitive zones around protected areas like Wildlife Sanctuaries, National Park etc.

4. Custodial Torture not part of Police Custody (Sudha v. State of Kerala)

Background

- Sudha, who was a housemaid, her employer accused her of stealing gold and dragged her to the police station. In the police station the officers in charge beat her and tortured her for over three hours in the police custody. Later on her employers called the police that they had found the gold in the house itself. Then Sudha and her family members were allowed to leave the police station but she was threatened by the police and warned against revealing the incident to anyone.

- Sudha after being released from police custody filed a private complaint before a Magistrate Court. That court found that there were sufficient reasons to proceed against the employer and the police officers under various provisions of the Indian Penal Code (IPC). A complaint was also filed under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as Sudha belonged to a scheduled caste category while the accused belonged to the upper caste.
- The case was transferred to the Session Court for trial and the court decided to discharge all the accused in this case. The employers were discharged because the court found there was no prima facie evidence to establish the charges against them. The police officers were discharged as the court noted that there was no prior sanction to proceed against them.
- The case was later on appealed in the Kerala High Court noting that medical reports of Sudha clearly mention injuries after she was released from the police station. The High Court set aside the Session Court's order and directed it to frame charges against the police officers. The Court in its judgement highlighted that:
- "There may be circumstances which may justify the use of force by the police while discharging their official duty. But that is not the case here. The custodial assault as alleged by the petitioner in detail in her complaint and sworn statement, can never be justified under the shelter of performance of official duty,"

Legal Provisions involved

Custodial Torture

Custodial violence means violence in police custody and judicial custody. Custodial violence include death, rape and torture in Police Custody. Custodial violence is not a recent phenomenon.

Section 331 of IPC– Voluntarily causing grievous hurt to extort confession, or to compel restoration of property– Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

5. Telephonic Conversation Recorded Secretly is Admissible Evidence In Matrimonial Cases

Background

A case involving divorce proceedings under Section 13 of the Hindu Marriage Act, 1955 the Family Court at Bathinda had allowed the husband to rely on a compact disc containing recorded phone conversations with his wife to prove allegations of cruelty against his wife. The wife challenged the Family Court's order and filed an appeal to the High Court by saying that the recording by her husband was made without her knowledge and the acceptance of this recording as evidence in the court of law is a breach to her fundamental right to privacy under Article 21 of the Indian Constitution.

Supreme Court's Ruling

The Supreme Court set aside the Punjab and Haryana High Court's judgement that secretly recording telephonic conversation of his wife infringe the right to privacy and personal liberty and can not be admitted before the Family Court as an evidence.

The Supreme Court bench held that secretly recorded telephonic conversation of a spouse is admissible as evidence in matrimonial cases before the Family Court.

The Supreme Court also held that there is no breach of privacy in this case under Article 21 of the Indian Constitution.

Legal Provisions involved

Section 122 of the Indian Evidence Act bars disclosure of marital communications without consent, except in legal proceedings between the spouses or where one is prosecuted for a crime against the other. The Court stated that the spousal privilege under the first part of the section cannot be absolute and must be read in light of the exception provided in the same provision.

The Court said that "Exception under Section 122 has to be construed in light of the right to a fair trial, which is also an aspect of Article 21 of the Constitution,".



6. Supporting Pakistan without mentioning India is not an offence under Section 152 of BNS

Background

Riyaz, an 18 year old applicant, posted an Instagram story stating that “Chahe jo ho jai sport to bas...Pakistan ka kareng”. He was arrested and charged under Section 152 (Endangering the sovereignty, unity, and integrity of India) and Section 196 (Promoting enmity between groups) of BNS.

High Court’s observation

The Uttar Pradesh High Court observed that there is no prima facie offence under Section 152 because there is no mention of India in the story and not even a mention of any specific event. There is also no indication of disrespect or encouragement to secede, rebel, or attack national unity. The court also observed that Section 152 is new, much stricter and must be interpreted carefully. The post can promote enmity and disharmony so there can be possible applicability of Section 196. Supreme Court’s precedent (*Imran Pratapgadhi v. State of Gujarat, 2025*) mandates standards of preliminary inquiry under Section 173(3) before filing FIRs under Sections 152 and 196 of BNS. This was not observed in this case.

Legal Provisions involved

Section 152 of BNS– Act endangering sovereignty, unity and integrity of India Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine.

Section 196 of BNS – Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.



7. High Court Verdict on Women Arrest After Sunset

Background

- Sujata Vilas Mahajan began her career as a clerk and became a CEO of Babaji Date Mahila Sahakari Bank in Yavatmal. A routine audit of the Bank revealed some irregularity in the loan disbursement. A special Auditor was appointed to probe deeper into this case. The investigation uncovered that approximately rupees 1.88 crore in loans were sanctioned in favour of her husband and relatives without the approval of the Board or proper documentation which contributed to a massive rupees 242.31 crore fraud.
- Based on this the police arrested her under various IPC sections and the Maharashtra Depositors Act.

High Court's Observation

- Bombay High Court grant bail to Mrs. Mahajan held her arrest illegal due to procedural violations: Arrest of Mahajan occurred post-sunset without judicial oversight or woman constables which is a violation of Section 46(4) of CrPC.
- While arresting her she was not informed of the Ground of Arrest which is a violation of Section 50 A of CrPC and Article 21(1) of the Constitution.
- The Court also affirmed that procedural safeguards under Articles 21 & 22(1) of the Constitution apply even to suspects, and violations render the arrest invalid notwithstanding the severity of the allegations.
- The High Court declared the arrest illegal and granted her bail that subject to surrendering of her passport, full cooperation with investigation and she must attend all hearings of the court.
- The Court also highlighted that illegal arrest does not dismiss charges, which remain under active investigation.

Legal Provisions involved

Section 46(4) of the CrPC mentions that no woman shall be arrested after sunset and before sunrise, except in exceptional circumstances which require prior permission from a Judicial Magistrate.

Section 50A of the CrPC mandates that police must inform friends, relatives, or nominated persons about the arrest to ensure they can take immediate action to secure the arrested person's release. The arrested person may not have immediate access to legal processes due to detention.



Article 21 of the Constitution deals with the fundamental right to life and personal liberty. The Court held that it applies even to suspects, and any arrest that violates legal procedure can be deemed unconstitutional.

8. Yemen halt execution of Indian Nurse Nimisha Priya

Background

- Nimisha Priya, who belongs to Kollengode, Kerala reached Yemen in 2008 to work as a nurse in a hospital at Sanaa. After the outbreak of civil war in Yemen and tightening visa restrictions, her husband and daughter remained in Kerala. In 2015, she started a 14-bed clinic in Al Aman Medical Clinic partnering with a Yemeni national, Mahdi due to some legal requirements.
- As the partnership between them deteriorated, Nimisha accused Mahdi of embezzling clinic profits, forging documents to falsely present them as married, seizing her passport, and subjecting her to prolonged physical, sexual, and psychological abuse.

Judicial Proceeding

- In July 2017, Nimisha was trying to recover her passport and allegedly injected Mahdi with sedatives but he died from an overdose. Nimisha then with the help of another nurse, dismembered his body and dumped it in a water tank.
- She fled but got arrested in August 2017. In 2018, a Yemeni court sentenced her to death for murder. Her conviction was upheld at appeal levels, including Yemen's Supreme Judicial Council in 2020 and again in 2023.
- Under Yemen's Sharia-based system, the only path to avoid execution of the sentence is acceptance of "blood money" (diyya) by the victim's family.

Diplomatic & Humanitarian Developments

- Indian government and external supporters formed the Save Nimisha Priya International Action Council to facilitate blood-money negotiations, raising funds for her defense.
- Her mother visited Yemen in April 2024 to negotiate with the victim's family.
- Her execution was scheduled for July 16, 2025, but recently postponed due to diplomatic and religious interventions of Indian PMO, Kerala CM, religious leaders such as Kanthapuram A. P. A. Musaliyar, and Houthi figures engaged in last-minute mediation.

Current Status

Nimisha Priya still remains on the death row in Sana'a Central Prison. Her final legal resort is blood money. Execution deferred, pending ongoing talks between Indian diplomatic channels, Houthi authorities, tribal leaders, and the victim's family.

