

2. According to the Petitioner, he was taken in the custody by the police authorities on 27th September and

till 30th September, 2016 he was illegally detained. Thereafter, for the first time he was produced before the Metropolitan Magistrate, 37th Court on 1st October, 2016 for offences punishable under S. 3, 25 of the Arms Act read with 37(1)(a) of the Maharashtra Police Act. The Petitioner further contended that even his mother is constrained to lodge missing report, which was not accepted by the police. It was registered on 29th September, 2019. With these averments, the Petitioner has sought writ of habeas corpus.

3. We have heard the learned advocate Mr. Pawan Mali, appointed to represent the petitioner at the cost of the State, as also the learned APP. We have perused the averments made in the communication addressed to this Court by him, as also the affidavit filed by the police authorities. It is clear from the affidavit filed by the Assistant Commissioner of Police on 29th September, 2019 that on the basis of secret information, a trap came to be arranged in order to apprehend accused persons of the

gang of Suresh Pujari. Pursuant to the said trap, three accused persons came to be arrested, and accordingly, crime LAC No. 21 of 20167 came to be registered in respect of incident of firing at Central Police Station, Ulhasnagar under S. 307, 120(B), 452, 427 of IPC read with 25, 27 of the Arms Act, 1959.

4. During the course of custodial interrogation, as the accused Ravindra Ghare disclosed participation of present petitioner from Khargar area, and the inquiry conducted at the office of Anti Extortion Cell, Mumbai makes it clear that subsequently the Petitioner came to be apprehended for the the purpose of inquiry on 30.9.2016 on 13.50 hours. After making necessary inquiry he was arrested at 16.00 hours on 30.9.2016 by preparing arrest panchanama by taking necessary entry in the station diary. The arrest panchanama and the station diary is perused by us. The Petitioner was produced before the learned Additional Chief Metropolitan Magistrate, 37 Esplanade Court, Mumbai on 1.10.2016; the Petitioner was

remanded to the police custody, and thereafter to the judicial custody.

5. The documentary evidence placed on record by the Anti Extortion Cell of the Police Department makes it clear that this is not a case of illegal detention of the Petitioner. He was arrested by preparing arrest panchanama and by making necessary entry in the police diary, and subsequently produced before the concerned Magistrate within 24 hours from the time of his arrest. The Petitioner made no complaint regarding his illegal detention from 27.9.2016 before the concerned Magistrate. In this view of the matter, there is no merit in the petition, and the same is therefore, dismissed.

Sd/-
[A. M. BADAR, J.]

Vinayak Halemath

Sd/-
[INDRAJIT MAHANTY, J.]