



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

BAIL APPLICATION NO. 1281 OF 2025

Amit Lalkha Tadv
VERSUS
The State Of Maharashtra And Another

Advocate for Applicant : Mr. Surse Sunil B
APP for Respondents-State: Mr. S. B Narwade
Advocate for Respondent No.2 : Mr. Akshay S. Tilve

CORAM : SANJAY A. DESHMUKH, J.

DATE : 15th October, 2025.

P.C.:

1. Heard.
2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.85 of 2024, registered at Satara Police Station, District Aurangabad, for the offences punishable under Sections 376(2)(n), 506, 170 and 417 of the Indian Penal Code, 1860.
3. The learned advocate for the applicant pointed out the report in which it is averred that applicant was a tenant of the victim since 2023. In May 2023, her mother had an accident, and the victim was living alone. Due to surgery of her mother, the applicant was helping her and they became friends. When she asked him about his job, he told her that he is a Police Sub Inspector and shown her his identity card and office at the

Commissioner of Police. Their friendship later turned into love. On 19.09.2023, the applicant went to the victim's house when her mother was not at home and forcibly established a physical relationship with her by gaining her confidence. Later, on 22.09.2023, the victim went to Mumbai with him for the Ganpati festival. During that time, he continued forcing her for a physical relations and also blackmailed her, threatening that if she did not keep a physical relation, he would commit a suicide, reveal their relationship to her family and share their photographs on social media. The victim told him that such a relationship was not accepted in her family. The victim later came to know from the applicant's mobile that the information given by him regarding his job was false. She told that fact to her sister. Thereafter, the victim's sister asked the applicant to vacate the rented premises and removed him from the house. Despite this, he continued to come to the house by climbing over the compound wall. The victim's sister then informed the applicant's brother, who took him away. Thereafter, the report was lodged.

4. The learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime. The applicant has roots in the society and he will not flee away from the trial. The trial will take a long period. There is delay for lodging the FIR. It is also submitted that the grounds of arrest were not communicated to the applicant in writing and

therefore, he is entitled for bail.

5. The learned advocate for the applicant relied upon the following authorities:

a. **Vihan Kumar Vs. The State of Haryana & Another**, arising out of SLP (Crl.) 13320 of 2024, decided on 07.02.2025, in which it is held that if the procedure under Section 50A of the Code of Criminal Procedure, requiring the communication of the reasons for arrest to the accused is not followed, the accused is entitled for bail.

b. **Pankaj Bansal Vs. The Union of India & Ors.**, in Criminal Appeal Nos.3053-3054 of 2023, arising out of SLP (Crl) No.920-21 of 2023, decided on 03.10.2023, in which it is held that ground of arrest must be furnished to the accused in writing as a matter of course, as that right is conferred to him under Article 22(5) of the Constitution of India.

6. The learned APP for the State and learned advocate for respondent No.2 strongly opposed the application and submitted that the grounds of arrest were communicated to the applicant and that he did not raise this ground at the time of his arrest. The applicant is involved in a serious crime. Considering all these reasons, it is lastly prayed to reject the application. The learned APP for the State relied upon the following authorities:

a. ***The State of Karnataka Vs. Sri Darshan, reported in 2025 INSC 979,*** decided on 14.08.2025, in which it is held as under:

“20.1.5. While Section 50 of the Code of Criminal Procedure is mandatory, the consistent judicial approach has been to adopt a prejudice oriented test when examining alleged procedural lapses. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.

“20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail.”

b. ***Kasireddy Upender Reddy Vs. The State of Andhra Pradesh & Ors., in Criminal Appeal No.2808 of 2025 arising out of SLP (Crl) No.7746 of 2025, reported in 2025 INSC 768,*** in which paragraph No.36 reads as under:

“36. If a person is arrested on a warrant, the grounds for reasons for the arrest is the warrant itself; if the warrant is read over to him, that is sufficient compliance with the requirement that he should be informed of the grounds for his arrest. If he is arrested without a warrant, he must be told why he has been arrested. If he is arrested for committing an offence, he must be told that he has committed a certain offence for which he would be placed on trial. In order to inform him that he has committed a certain offence, he must be told such acts done by him which amounts to the offence. He must be informed of the precise acts done by him for which he would be tried; informing him merely the law applicable to such acts would not be enough.”

7. Perused the charge-sheet, particularly the report and the papers of investigation. The applicant has approached the Hon’ble Supreme Court seeking bail and this is his third application. In Special Leave Petition (Criminal) Diary No.3347 of 2025, by order dated 03.02.2025, the Hon’ble Supreme Court rejected his application. The applicant is involved in a serious crime. He had misrepresented himself as a police officer to the informant and therefore, he is prosecuted under Section 417 of the IPC for cheating by personation. The trial has started and the applicant has not yet cross-examined the witnesses.

8. As far as the contention of learned advocate as to non-communication of grounds of arrest is concerned, the applicant did not raise this ground in his earlier bail applications. The Hon’ble Supreme Court in

The State of Karnataka Vs. Sri Darshan (Supra) held that bail shall not be granted on technical lapses unless prejudice to the accused is shown. Thus for non-communication of grounds of arrest, the applicant is not entitled for bail. This Court has earlier declined to grant bail to the applicant on merits. Considering all these reasons and the fact that the trial has been started, the application deserves to be rejected. No case is made out to grant bail to the applicant on the principle that bail is rule and jail is exception. The Bail Application is rejected.

[SANJAY A. DESHMUKH, J.]