

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3619 OF 2024

Sunday Okeke @ Sunny

.. Applicant

Versus

Union of India and Anr.

.. Respondents

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- Ms. Ashwini Achari, Advocate i/by Taraq Sayed for Applicant.
- Ms. Ruju Thakkar a/w. Sangeeta Yadav, Mr. Priyanshu Doshi and Mr. Aakash Pandey, Advocates i/by Manisha Jagtap for Respondent No.1.
- Mr. Dinesh J. Haldankar, APP for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 06, 2025

P.C.:

1. Heard Ms. Achari, learned Advocate for Applicant and Ms. Thakkar, learned APP for Respondent No.1 and Mr. Haldankar, learned APP for Respondent No.2.

2. The only point which appeals to the Court as made by Ms. Achari, learned Advocate on behalf of Applicant is that admittedly Applicant was shown as arrested 8 days after he was apprehended by the prosecution officers. The document namely memorandum panchnama appended at page No.133 of the Application when read at page No.137 clearly shows that Applicant was apprehended on 22.10.2022 at about 07:10 – 07:15 p.m. The next document appended at page No.162 shows the discharge card of the Applicant which when *prima facie* seen shows that Applicant was admitted on 23.10.2022.

Time of his admission is not stated therein.

3. Though when discharge card is read, it appears that the first test which Applicant undertook in the hospital was at 11:55 p.m. on 22.10.2022. The dichotomy in discharge cards which are appended at page Nos.160 and 162 of the Application are required to be explained by the prosecution because it is case of Applicant that date of his arrest as per arrest memorandum appended at page No.170 is 01.11.2022.

4. Prosecution is required to explain the aforesaid dichotomy as observed by the Court and explain the reason as to why the Applicant was not produced before the Magistrate within 24 hours and if so required file an appropriate Affidavit-in-Reply which shall be done within a period of one week from today.

5. Stand over to **13th March, 2025**. To be placed under the caption '**For Compliance**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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