

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4537 OF 2025

Chandrakant Dangal Patil .. Petitioner
Versus
The State of Maharashtra .. Respondent
...

Mr.V.V. Krishnan a/w Mr. Rishab Tiwari, Mr. Nishant Bardiya for the petitioner.

Mr. Tanveek Khan, APP for the State.

CORAM: BHARATI DANGRE &
SHYAM CHANDAK, JJ.
DATED : 10th NOVEMBER, 2025

P.C:-

1. The petition is filed seeking declaration that the arrest of the petitioner in connection with C.R. No. 196 of 2025, registered with Jawahar Police Station, is illegal.

When the petition was filed, the petitioner sought his release on bail in the wake of the said illegality but the counsel for the petitioner makes a statement that on being directed to approach the JMFC, Jawahar, by filing an application, the JMFC on 14/10/2025 released him on bail and therefore the said prayer of declaring his arrest as illegal is rendered infructuous.

However, the counsel for the petitioner would seeks leave to amend the petition, as he would submit that the petitioner's detention in police custody beyond 24 hours is illegal and therefore, he need to bring the necessary pleadings on record, as he is desirous of

compensation, which is a relief which was already prayed in the petition.

2. When we specifically sought to inquire from the learned counsel for the petitioner as to what ground he would likely to invoke, for declaring his arrest to be illegal, he would submit that the petitioner was actually arrested on 1/08/2025 at 9.00 a.m from his building premises in connection with the subject C.R. registered with Jawahar Police Station, but he was shown to be arrested at 8.39 p.m as per the Remand Report. According to the learned counsel, the petitioner was produced before the JMFC, Jawahar at 3.45 p.m, on 2/08/2025, who granted PCR till 6/08/2025.

It is, therefore, the contention of the learned counsel that from the time of his arrest at 9.00 a.m on 1/08/2025, his production before the Magistrate at 3.45 p.m on 2/08/2025 is beyond the prescribed period of 24 hours, and on that ground itself his arrest become illegal. It is also his contention that he ought to have produce before the JMFC at Nashik, but instead, he was produced before Jawahar Police Station.

3. We have heard the learned APP and also perused the affidavit in reply filed by the Police Sub-Inspector attached to Jawahar Police Station, who has specifically contested the contentions raised in the petition, where it is specifically stated that upon an offence being registered by Jawahar Police station against the accused, as the complainant alleged financial fraud to the tune of Rs.28,50,000/-, and with an allegation that when the complainant demanded the money he was threatened to be eliminated, the offence was registered. The affidavit categorically state that upon registration of the offence, the

serious attempt was made to trace the accused and a written request was forwarded to Indira Nagar Police Station, Nashik, where the petitioner was residing and after frantic search, he was traced in Nashik as he was present in the parking area of Wadala, Pathardi road, Nashik.

After informing him briefly about the offence registered explaining that it is necessary to verify his involvement, he was asked to accompany the police team.

At the same time, according to the affidavit a phone call was made to his wife on her mobile number and she was informed about the offence being registered against her husband at Jawahar Police Station and that he was being taken to Indira Nagar Police Station, Nashik, for inquiry, and she was also asked to remain present there.

Since the distance between the accused's residence and Indira Nagar police station was only half an hour, and since the wife did not arrive, nor the accused on inquiry provided any information, the investigating officer decided him to take him to Jawahar Police Station, Dist. Palghar for further inquiry.

On being brought there, an entry was taken in station diary at 11.48 a.m., and he was taken by private vehicle to Jawahar Police Station, where the team arrived at 15.30 hours.

4. During inquiry, when the role of accused emerged, on 20.08 hours, an entry was made in the station diary and he was forwarded for medical examination and at 20.39 hours, after ensuring compliance of the Supreme Court guidelines, he was shown formally arrested. He was also informed about his right to avail bail and his

wife was also informed about her husband's arrest by telephone and when she attended the police station on 2/08/2025, she was provided the copy of the arrest panchanama and notice under Section 48 of the BNSS by obtaining her signature.

5. In the wake of the specific response with reference to the station diary's entries recorded from time to time, we do not find any merit in the contention of the petitioner, as we find that he is formally shown to arrested at 20.39 hours on 1/08/2025, and no other material is brought on record by the petitioner reflecting that he was arrested prior in point of time. Computing the period of 24 hours, from the time of arrest, the arrest is well within the statutory limit, and therefore, there is no ground to declare the same to be illegal.

Apart from this, the contention of the learned counsel that he ought to have been produced before the JMFC, Nashik, is also without any merit and substance since the officer has explained that the distance between Indira Nagar Police Station and Jawahar is 90 kms, and the Investigating officer deemed it appropriate to take him to Jawahar Police station, where he is arrested and produced before the JMFC, Jawahar.

Finding no merit and substance in the present writ petition, the petition is dismissed.

No order as to costs.

(SHYAM C. CHANDAK,J)

(BHARATI DANGRE, J.)