

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4779 OF 2025**

Mr. Anilkumar Khanderao Pawar Petitioner.

V/s

Directorate of Enforcement and Anr. Respondents.

Mr. Rajiv Shakdher, Senior Advocate a/w Mr.Sudeep Pasbola, Senior Advocate a/w Mr. Karan Khetani, Mr.Chinmay Godse, Mr.Ujjwalkumar Chavhan, Mr.Bhushan Yadav, Mr.Aditya Hire, Mr.Harshal Lohakare, Mr. Hitesh Singh, Ms.Sana Shaikh,/ Mr.Swapnil Balajiwale & Mr.Jayesh Rathod i/by Mr.Ujjwalkumar Chavan, Advocates for the Petitioner.

Mr. Anil C. Singh, ASG a/w Ms. Manisha Jagtap, Ms.Yashashree Raut, Mr.Rajdatt Nagre, Mr.Rama Gupta, Mr.Adarsh Vyas & Mr. Krishnakant Deshmukh, Advocates for the Respondent No.1-ED.

Mrs. G. P. Mulekar, APP for the Respondent No.2.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 10TH OCTOBER 2025

P.C. :

An objection as to the maintainability of this Writ Petition (Criminal) No.4779 of 2025 has been raised by Mr. Anil Singh, the learned Additional Solicitor General of India. The learned Additional Solicitor General refers to Clause (4) of Rule 18 under Chapter XVII of the Bombay High Court Appellate Side Rules, 1960 (in short, the Rules of 1960)

2. Clause (4) under Rule 18 of the said Rules of 1960 provides that the matters pertaining to orders and decisions of the Courts constituted under the Code of Criminal Procedure, except the applications for quashing an F.I.R., C.R., Charge Sheet or an order directing investigation under Section 156(3) of the Code of Criminal

Procedure irrespective of whether such applications have been filed under section 482 simpliciter or read with Article 226 and/or Article 227 of the Constitution shall be heard by Single Judge of this Court.

3. Mr. Rajiv Shakdher, the learned senior counsel for the petitioner would submit that the arrest of the petitioner on 13th August 2025 was not in pursuance of the order passed by the Court constituted under the Code of Criminal Procedure. It is submitted by the learned senior counsel that the legality of the arrest of the petitioner on 13th August 2025 is the fundamental issue to be adjudicated by this Court and the orders passed by the Special Judge (PMLA) on 14th August 2025 and 20th August 2025 are also under challenge so as to avoid any technical objection raised on behalf of the respondent-Enforcement Directorate. The learned senior counsel has also referred to the order passed by the coordinate bench in Criminal Writ Petition (Stamp) No.20120 of 2024 titled "*Deepak Appasaheb Deshmukh v. Directorate of Enforcement and Ors.*" which indicates that a similar writ petition in which the order of arrest, detention and remand of Deepak Appasaheb Deshmukh was challenged, has been entertained by this Court.

4. The learned senior counsel tenders a copy of the list of dates and relevant grounds to support this writ petition challenging arrest of the petitioner on 13th August 2025 and the subsequent remand orders passed by the Special Judge (PMLA). The learned senior counsel gave background facts before the petitioner joined the post of Municipal Commissioner on 13th January 2022 and referred to an order passed by this Court in Writ Petition No.15853 of 2022 titled "*Mohan Sukhlal Patel & Ors. vs. The State of Maharashtra and Ors.*" The learned senior counsel would submit that before the petitioner assumed charge of

the post of Municipal Commissioner, the High Court was seized with illegal and unauthorized construction of 41 properties over the government and private lands. The learned senior counsel submitted that the High Court was not inclined to even issue a direction for disciplinary proceedings against the erring officials. According to the learned senior counsel, it was the petitioner who played an active role for prosecuting the First Information Reports which were lodged before he took over as the Municipal Commissioner and for demolition of the illegal and unauthorized constructions. The learned senior counsel has taken us through the “grounds of arrest” and memorandum of “reasons to believe” and submitted that there was no cogent material in possession of the arresting officer at the time when the petitioner was taken into custody. The learned senior counsel laid a specific stress on the statement recorded in the panchanama when a search and seizure operation was carried out at one of the residential premises of the petitioner. The learned senior counsel has referred to the decisions in “*Arvind Kejriwal v. Directorate of Enforcement*”, (2025) 2 SCC 248, “*Vijay Madanlal Choudhary and Ors. v. Union of India and Ors.*”, (2023) 12 SCC 1 and “*Sanjay Jain v. Enforcement Directorate*”, 2024 SCC OnLine Del 1656 rendered by the learned single Judge of the Delhi High Court.

5. For arguments on behalf of the Enforcement Directorate, hearing of this writ petition is deferred to 15th October 2025 to be taken up at 12.00 Noon.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

BHARAT
DASHARATH
PANDIT

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PANDIT
Date: 2025.10.13
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