

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 5837 OF 2025

Sunny Jain s/o. Suresh Chand Jain	 Petitioner
V/s.	
The State of Maharashtra and anr.	 Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 24136 OF 2025
IN
CRIMINAL WRIT PETITION NO. 5837 OF 2025**

Michael Jacob Mascarenhas	 Applicant
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In the matter between :-

Sunny Jain s/o. Suresh Chand Jain	 Petitioner
V/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Brijesh Pathak a/w. Mr. Mehul Khetia for the Petitioner.
Ms. Mankuwar Deshmukh, PP (Acting) a/w. Ms. Sangeeta Shinde, APP
for the Respondent – State.
Mr. Ramchandra Wagh for the Intervenor in IAST/24136/2025.
Mr. Hemraj Rajput, SP, Maharashtra Cyber, present.
Mr. Pradip Tidar, Dy.SP, Maharashtra Cyber, present.
Mr. Aditya Ghuge, Cyber Law Expert, Maharashtra Cyber, present.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATED : 02nd DECEMBER, 2025

P.C. :-

. The Petition filed by the Petitioner seek issuance of writ of *habeas corpus* seeking a declaration that his arrest and detention in connection with C.R.No.42/2025 registered on 09/10/2025 by the Nodal

Cyber Police Station, Cuffe Parade, Mumbai as illegal. It is the claim of the Petitioner that he was picked up from his residence at Jaipur, Rajasthan at around 01:00 p.m. on 24/10/2025 by the Officers of the Respondent No.2 and brought to Mumbai but he was formally shown to be arrested only on 25/10/2025 and produced before the learned Magistrate at 03:30 p.m. and this production, according to the Petitioner, is beyond the period of 24 hours and therefore is violative of Article 22(2) of the Constitution of India and Sections 58 and 62 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2) Heard learned Counsel for the Petitioner and perused the pleadings in the Petition.

3) As directed by us, the Respondent has filed the respective affidavits specifically denying the allegations about non-compliance of the procedural requirement and violation of the fundamental right of the Petitioner and it is suggested that the entire procedure prescribed in law has been followed.

4) On hearing the respective Counsel, we deem it appropriate to issue Rule, which is made returnable forthwith.

5) It is the contention of the Petitioner that the Respondent No.2 intentionally reflected his arrest at 14:08 hours on 25/10/2025, so as to avoid the accusation of not presenting him within 24 hours when he was detained. The learned Counsel for the Petitioner has vehemently asserted that he was in

custody of the Respondent on 24/10/2025 and on being confined, in that state he was brought to Mumbai and shown to be arrested on 25/10/2025.

He would submit that the Investigating team having visited Rajasthan, left no option to him then to accompanying them to Mumbai where he was shown to be arrested in the subject C.R. When we specifically inquired with him as to who had purchased his tickets, he concede to the fact that the ticket from Jaipur to Mumbai was purchased by him.

6) We have before us the affidavit of Mr. Ranjitsing Pardeshi, Police Inspector attached to Maharashtra Cyber, Mumbai who categorically with reference to the subject C.R. registered on 09/10/2025 at Nodal Cyber Police Station, Maharashtra Cyber, Mumbai submit that during investigation, various teams were constituted and he alongwith one Pravin Bangosavi, Police Inspector were sent to Rajasthan in search of the suspected person – Sunny Jain. An entry to that effect was recorded in the Station Diary on 22/10/2025.

The team departed towards Rajasthan and on reaching South Jaipur, Rajasthan, assistance of the local Police Station i.e., Shiprapath Police Station, South Jaipur was sought and the search of the accused began.

In this process, Station Diary noting was taken even in the concerned Police Station of South Jaipur, Rajasthan. The search was carried out at the residential address of the accused but was informed that he has visited the temple and thereafter, on establishing contact through the mobile

phone of his sister-in-law, he was asked to come to Shiprapath Police Station. When he came to the police station, he was accompanied with his friend – Vikas Shekhawat and he was asked to accept the notice under Section 35(3) of BNSS, 2023 for further inquiry but he refused to accept the same and agreed that he shall accompany the team for further inquiry to Mumbai and he shall offer the explanation to the Investigating Officer. He therefore, travelled to Mumbai by flight alongwith his friend - Vikas Shekhawat and all the while, the accused had his mobile phone with him and was in communication with his friends and relatives without any restrictions.

On coming to Mumbai along with his friend, on 25/10/2025, the Officer handed over the documents of the process and investigation report to the concerned Police Station and a Station Diary Entry No.02 was made on 25/10/2025 at 11:17 a.m. with Nodal Cyber Police Station, Maharashtra Cyber, Mumbai.

On making necessary inquiry and prima facie being satisfied with the involvement of the Petitioner in the subject crime, he was arrested on 25/10/2025 at 14:08 hours and was produced before the learned Magistrate at 03:30 p.m. who remanded him to custody.

7) In the wake of the aforesaid statement being made on oath and particularly as we have confronted the learned Counsel for the Petitioner as to whether he had accompanied the police or that he was forced to accompany

them, the fact that he suggested that he bought the ticket for himself as well as his friend, he accompanied him to Mumbai itself is indicative of the fact that he was not under arrest at Rajasthan and only when he reached Mumbai, on reporting to Nodal Cyber Police Station, he was shown to be arrested and this is also effected in the arrest/court surrender form under Section 36(e) of the BNSS, 2023 which refer to the arrest at 14:08 hours on 25/10/2025.

8) Hence, we do not find any merit in the 1st submission advanced on behalf of the Petitioner.

9) Another submission advanced on behalf of the Petitioner is that the grounds of arrest were communicated to him but they were so communicated in Marathi language with which the Petitioner is not conversant. In this regard, we find that the Police Inspector, Nodal Cyber Police Station in his affidavit dated 29/11/2025 had made a categorical statement to the following effect :-

“ 16. I say that Notice u/s. 48 of B.N.S.S. was served upon the accused's relative i.e., friend of accused – Petitioner hereinabove on 25.10.2025 and I myself explained him in language he understands i.e., Hindi. ”

10) There is no rebuttal to the said statement contained in the affidavit and though the learned Counsel for the Petitioner insist that the grounds of arrest ought to have recorded, this, if at all, the grounds were explained to him in the language he understands, in the wake of the affidavit

and specific statement to the aforesaid effect, there is no reason for disbelieving the Investigating Officer. In any case, his friend was also accompanying him all the while and we do not find any merit that he was not communicated the grounds in the language which he understand which had prejudiced his right to defend himself in the remand proceedings. As we find that in the remand proceedings, the Petitioner was represented by a Counsel and all possible objections to the arrest as well as remand to the police custody have been raised and duly considered by the learned Magistrate.

11) Finding no merit in the substance of the Petitioner, we dismiss the Writ Petition.

Rule is discharged. No order as to costs.

Interim Application (St.) No.24136 of 2025 stands disposed of in view of dismissal of the Writ Petition.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)

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HEERO
JAYANI

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