

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

CRIMINAL WRIT PETITION NO. 5844 OF 2025

Akshay Kumar Meena	 Petitioner
V/s.	
The State of Maharashtra and anr.	 Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 24120 OF 2025
IN
CRIMINAL WRIT PETITION NO. 5844 OF 2025**

Michael Jacob Mascarenhas	 Applicant
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In the matter between :-

Akshay Kumar Meena	 Petitioner
V/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Sujit Sahoo 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/24120/2025.
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

ORAL JUDGMENT : (Per : Bharati Dangre, J.) :-

1) The Petitioner being arraigned as an accused in C.R.No.42/2025 seek a writ of *habeas corpus* seeking his production before the Court and justifying his detention in accordance with the procedure established by law.

It is a specific relief sought that the arrest of the Petitioner in connection with the subject C.R. dated 09/10/2025, be declared as illegal, arbitrary and violative of his fundamental right as well as the procedural safeguard contemplated in the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and he be set at liberty forthwith.

2) We have heard the learned Counsel for the Petitioner and appreciated the submission in the light of the affidavits that are placed before us by the learned Public Prosecutor Mrs. Deshmukh.

By consent of parties, Rule. Rule is made returnable forthwith.

3) It is the contention of the Petitioner that he was detained on 17/10/2025 at around 04:00 p.m. by the Officers of Respondent No.2 in Rajasthan and thereafter, brought to Mumbai where he was shown to be arrested on 18/10/2025 at 14:50 hours and he is produced the Magistrate at 04:25 p.m.

The contention raised on behalf of the Petitioner is that the production beyond 24 hours of his detention is violative of the Article 22(2) of the Constitution of India and also of Sections 58 and 62 of the BNSS, 2023.

4) The said contention is denied in the affidavit filed by the Police Inspector attached to Nodal Cyber Police Station which is affirmed on 29/11/2025 and in the said affidavit, it is categorically stated that in

connection with the subject C.R., when teams were formed by the Superintendent of Police, Maharashtra Cyber, Mumbai and one of the teams along with the deponent of the affidavit, was deputed to Rajasthan in search of the accused person, upon reaching Jahajpur Police Station, Dist. Bhilwara, Rajasthan, the assistance of the local Police was sought and a Station Diary entry to that effect was made on 17/10/2025 at 18:06 hours. Thereafter, the search began for the accused who was found and by communicating the Notice under Section 35(3) of BNSS, 2023, he was directed to attend the Investigating Officer but he did not accept the notice and expressed his inclination to join the team for investigation in Mumbai.

Categorical statement is made in the affidavit by the Police Officer that the Petitioner was not under arrest and in fact he continue to retain his mobile phone and was in communication with his friends and relatives without any restrictions.

The team also served the notice under Section 48 of the BNSS, 2023 upon the Mother of the Petitioner in presence of his brother and explained the contents thereof in the language known to them i.e., Hindi and the Station Diary Entry No.50 to that effect was recorded in Jahajpur Police Station.

5) On being brought to Mumbai, by communicating the grounds of arrest, he was arrested on 18/10/2025 at 14:50 hours by preparing the arrest

panchanama/memo. The grounds of arrest were served upon the Petitioner and they were acknowledged by him and a specific statement is made in the affidavit that the deponent had himself explained to the Petitioner the grounds of his arrest in the language he understands i.e., Hindi.

There is no denial to the aforesaid statement contained in the affidavit.

6) The grievance of the Petitioner i.e., production before the Magistrate was beyond 24 hours, is also specifically denied and even assuming and accepting the contention that he was arrested on 17/10/2025 as the intimation of his arrest was forwarded to his Mother on 17/10/2025, still it is stated that his production before the Magistrate on 18/10/2025 on 16:25 p.m., is within 24 hours and there is no violation of the mandate of an accused being produced before the Magistrate within a period of 24 hours of his detention/arrest.

7) Another serious grievance raised by the Petitioner is that the translated copy of the grounds of arrest is not furnished to him as according to the learned Counsel for the Petitioner, the Petitioner is conversant with Hindi and Marwadi language but the grounds of arrest were communicated to him in Marathi. He would place reliance upon the decision of the Apex Court in case of *Mihir Rajesh Shah v/s. State of Maharashtra and anr.*¹ and in particular

¹ 2025 SCC OnLine SC 2356

the direction to the effect “ that the grounds of arrest must be communicated in writing to the arrestee in the language he/she understands.” Their Lordships of the Apex Court have specifically highlighted the necessity of communicating the grounds of arrest, by keeping in mind the fact that non-compliance of the said requirement will result in breach of constitutional and statutory safeguards, rendering the arrest and remand illegal and the person would be entitled to be set at liberty if the arrest is in violation of any of the provisions. Emphasizing on the aspect that the grounds of arrest are necessary to be communicated atleast in minimum two hours interval before the production, so that the right provided to the arrestee under the constitution and the statute is safeguarded effectively.

Highlighting that this period would ensure that the Counsel representing the accused has adequate time to scrutinize the basis of arrest and the other relevant material to defend the arrestee proficiently and capably while opposing the remand, it is held that any shorter interval may render such preparation illusive, thereby resulting in non-compliance of the constitutional and statutory mandate. This is how the Apex Court has struck a judicious balance between safeguarding the arrestee’s constitutional rights under Article 22(1) and preserving the operational continuity of the criminal investigations. If the reasoning adopted in *Mihir Shah* (supra) is carefully perused, the emphasis of the Apex Court is on giving an opportunity to an

arrestee to defend the remand. At the same time, the mandate of communicating the grounds of arrest in writing as laid down in *Pankaj Bansal v/s. Union of India*² to be followed by *Prabir Purkayastha v/s. State (NCT of Delhi)*³, has been diluted by specifically laying down a two hour minimum interval limit before production with an objective perspective of affording an opportunity to defend the remand proceedings. When the Supreme Court specifically observed that this would ensure a judicious balance between the right of the accused and also preserving the operational continuity of criminal investigations, in the present case when we have find the Officer making a statement on oath that the grounds of arrest were communicated in Marathi but the same were explained to him in the language he understands i.e., Hindi, in our view, is sufficient compliance of the direction that the grounds of arrest must be communicated in writing to the arrestee in the language he/she understands.

8) It is worth to note that the investigating team visited Rajasthan and since all the proceedings as far as the State of Maharashtra is concerned, are handled in Marathi, without knowing that the accused do not understand Marathi when the grounds of arrest are communicated in Marathi, the Officer took care of explaining the contents of the grounds of arrest communicated to him in the language he understands. This is sufficient compliance of the

² (2024) 7 SCC 576

³ 2024 INSC 414

directives of the Apex Court as well as the statutory mandate contained in the BNSS, 2023 contemplating that the grounds of arrest shall be communicated in writing.

9) In the wake of the aforesaid, since we do not find any other ground raised in the Petition which would amount to violation of his fundamental right or statutory obligation to cast a doubt on the Investigating Officer, we dismiss the Writ Petition.

Rule is discharged. No order as to costs.

Interim Application (St.) No.24120 of 2025 stands disposed of in view of dismissal of the Writ Petition.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)

PREETI
HEERO
JAYANI

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Date: 2025.12.05
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