

Salgaonkar

MANDIRA MILIND
SALGAONKAR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6204 OF 2025

Santosh Balkrishna Nadgaonkar .. Petitioner
Versus
State of Maharashtra .. Respondent

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Mr.Aabad Ponda, Senior Advocate with Ms.Harshada Shrikhande and Mr.Prathamesh Mandlik for the Petitioner.

Ms.Supriya Kak, Addl.P.P. for the State/Respondent.

CORAM: BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.
DATE : 24th NOVEMBER, 2025

...

P.C:-

1. The short point that arises for consideration in the present Writ Petition and which is made before us by learned senior counsel Mr.Ponda, to be formulated as below and which according to him, has already been pronounced upon in various authoritative pronouncements, the question being, “When a person, pursuant to the summons, marks his presence before the Court and he is neither arrested nor in custody, whether can be subjected to remand and also, without a remand being sought?”

He would place reliance upon the decision in the case of *Satender Kumar Antil Vs. Central Bureau of Investigation*¹ and *Pooja Jain Vs. State of Maharashtra*².

About the preliminary objection raised by the learned Addl.P.P. that the habeas corpus would not lie, learned senior counsel Mr.Ponda would invite our attention to a decision in the case of *Gautam Navlakha Vs. National Investigation Agency*³.

2. Let the learned Addl.P.P. obtain necessary instructions and if required, file an affidavit.

3. List on **2nd December, 2025**. To be listed on Supplementary Board.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)

1 (2022) 10 SCC 51

2 (2024) SCC OnLine Bom 1903

3 (2022) 13 SCC 542