



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 255 OF 2026

Dadasaheb S/o Baburao Khindkar
Age : 42 years, Occu : Agri.,
R/o Belwadi, Tq. & Dist. Beed

... Applicant
(Orig. Accused)

VERSUS

The State of Maharashtra,
Through Police Station Officer,
Pimpalner Police Station, Dist. Beed

... Respondent

WITH

CRIMINAL APPLICATION NO. 579 OF 2026 IN BA/255/2026

(Oimkar Dnyanoba Satpute Vs. The State of Maharashtra and another)

...

Advocate for Applicant : Mr. N.V. Gaware h/f. Mr. Z.H. Farooqui
A.P.P. for Respondent/State : Mr. N.R. Dayma
Advocate for applicant : Mr. Sanjeeva B. Deshpande, Sr. Advocate i/by
Mr. A.L. Kanade, Advocate in Cri. Appln. No. 579/2026

CORAM : SHAILESH P. BRAHME, J.

RESERVED ON : 25.03.2026

PRONOUNCED ON : 02.04.2026

ORDER :

Heard both sides. Criminal Application No. 579 of 2026, seeking to assist the Public Prosecutor, is allowed.

2. The applicant is seeking regular bail in connection with Crime No.57 of 2025, registered with Pimpalner Police Station, Dist. Beed for the offences punishable under Section 307, 367, 368, 120-b, 324, 323, 504, 506, 342, 143, 147, 148, 149 of the Indian Penal Code.

3. First Information Report is lodged on 25.09.2025. The applicant is arrested on 13.03.2025. Charge-sheet is filed on 06.06.2025 against eight persons including present applicant who is shown as accused no. 1.

4. The gravamen of the allegations in the First Information Report lodged at the instance of injured victim Onkar, is abduction and torture at the hands of the accused from period 23.01.2024 to 25.01.2024. Applicant wanted the informant to withdraw offence bearing CR No. 2 of 2024 registered against him. Informant was abducted from Pune and brought to Belwadi at the instance of the applicant and during journey, he was beaten up. The informant was associated with Samadhan Khindkar which was disliked by the applicant and, therefore, he was further assaulted, abused and threatened in the field of applicant at Belwadi. His torture was videographed and circulated on the social media. Informant is said to have sustained injuries on the head and he was brought to the Doctor for treatment on 23.01.2024.

5. Learned counsel Mr. Nitin Gaware for the applicant submits that there is belated registration of the First Information Report which created doubt. It is submitted that the alleged torture is false and concocted because already "B-Summary" Report was submitted in Offence bearing CR No. 2 of 2024 and no question of asking the informant to withdraw any complaint. It is further submitted that the injuries are simple in nature and informant was taken to the Doctor by the applicant himself. There is no *mens rea* to commit any serious offence or any premeditation. It is a case of false implication.

6. Learned counsel for the applicant further submits that the transcription of the video is very weak piece of evidence. There is nothing incriminating against the applicant to show involvement in serious offence. It is submitted that the arrest of the applicant is unlawful as the grounds of arrest were never supplied to him within stipulated period. It is submitted that there is long incarceration and further detention is not necessary.

7. Per contra, learned APP submits that there is strong motive for committing offence by the applicant along with the co-accused. The role of the applicant is predominant which is evident from the statements, panchanama and the material collected during the investigation. It is further submitted that applicant has serious criminal antecedents. He is well off and he is likely to influence the witnesses if released on bail. It is further submitted that applicant has actively participated in the abduction, torture and assault on the informant at various places. It is submitted that the applicant was supplied the grounds of arrest in writing as well as orally and no prejudice is caused to him. It is submitted that the applicant had legal assistance since day one.

8. Learned Senior Counsel Mr. Sanjeeva Deshpande submits that the applicant was aware of the grounds of arrest and he had legal assistance since beginning. It is submitted that no prejudice is shown by the applicant. He had opportunity to agitate the ground before the Supreme Court. He did not even challenge the order dated 13.03.2025. It is submitted that applicant is estopped from raising plea that his arrest is unlawful.

CONSIDERATION OF THE FACTUAL ASPECT

9. FIR is lodged by the victim himself on 13.03.2025 for the incident which occurred from 23.01.2024 to 25.01.2024. The informant and his family members were at loggerhead with the applicant because applicant's father Dnyanoba and Samadhan Khindkar were implicated in a case of rape and offence under the Prevention of Atrocities Act by the informant. The motive for abducting informant was two-fold. One, that he was associated with Samadhan. Another, he was not withdrawing the offence against the applicant.

10. The applicant was made accused in offence bearing CR No. 2 of 2024 punishable under section 307, 323, 504, 34 of IPC, registered on 03.01.2024 with Pimpalner Police Station. On 19.03.2024 informant submitted application to the Superintendent of Police stating that due to some misunderstanding, a false offence was registered by him and in fact no such incident occurred. Informant's statement under section 164 was also recorded which was on the same line. Thereafter, report of B-Summary was submitted. The first instance of abduction is alleged to have occurred in the present case on 23.01.2024. There was no reason for him to lodge report on 13.03.2025 with the motive that applicant was insisting him to withdraw the offence already informant had acted as per desire of applicant. The motive alleged, appears to be doubtful.

11. Another surprising factor which is unexplained, is that the applicant had a grudge that informant was associated with Samadhan Khindkar, who was his real brother. No material is collected to show rivalry between real brother and its gravity. Therefore, the motive shown in the matter is suspicious. The informant is suppressing true and the material facts.

12. Accused are alleged to have assaulted informant while travelling from Pune to Beed. After reaching at Dhekanmoh on 23.01.2024, he was brought to the agricultural land of the applicant and further tortured. Thereafter, he was taken to the dispensary by the applicant himself. The statement of Dr. Vishal Kale, who treated him shows that he was brought on 23.01.2024 by ambulance driver Sanjay Khindkar and the wound on the head was sutured. The extract of O.P.D. also corroborates the treatment given by Dr. Kale. The statement of the driver Sanjay reveals that applicant had been to Samarth Hospital. There was interaction between the witness and the applicant who brought informant there.

The injury certificate of informant shows that he was taken to hospital by applicant. The injuries were reported to be simple. It is incomprehensible as to why the applicant would carry the injured informant for the treatment. There is total absence of *mens rea* for committing any serious offence.

13. Heavy reliance is placed by the prosecution on *panchanama* of the transcript of the video to show involvement of the applicant. Applicant and co-accused are alleged to have tortured and assaulted the informant which was videographed. The transcript was of the incident of 23.01.2024. After the alleged torture informant was taken to the Samarth Hospital and shown to Doctor Vishal Kale for the treatment by none else than the applicant. It reveals from the sequence of events that the intention of the complainant was to teach lesson to the applicant or to terrorize him or threaten him. The injuries are simple in nature. I find that applicant cannot be said to be involved in a serious offence. He is behind bar since 13.03.2025 which is sufficient incarceration.

14. I have gone through the antecedents reported against the applicant. Those are 6 (six) in number. Applicant could have committed serious offence when informant was in his custody. Out of the offences pitted against him, he was acquitted from two offences. There is no information available for offence CR No.118 of 2015 registered with Khaparkheda Police Station, Nagpur. Considering the criminal antecedents, stringent condition can be imposed on the applicant. I find that applicant is not required to be detained in jail any further considering the factual matrix of the matter.

CONSIDERATION OF THE LEGAL ASPECTS

15. It is vehemently contended by Advocate Mr. Gaware that arrest of

the applicant is illegal because he was not communicated grounds of arrest. A specific plea to that effect was taken when earlier Bail Application was pressed into service. In the present Application also, specific grounds have been taken. The same submissions were advanced when police custody was granted vide order dated 13.03.2025. The arrest was held to be legal by a reasoned order which was not assailed before any other forum. Pertinently, the same ground was pressed into service in Bail Application No. 696 of 2025 which was rejected on 30.04.2025. Being aggrieved, the applicant had approached Apex Court by preferring in SLP (Criminal) 7575 of 2025. It was withdrawn on 14.07.2025. It was possible for the applicant to agitate the ground of illegal arrest but no endeavour was made. This creates doubt regarding the *bona fides* of the applicant is raising plea.

16. My attention is adverted to the notice dated 13.03.2025 issued under section 50 which shows that the grounds of arrest are not spelt out but it is stated that the information regarding arrest was supplied to Samadhan Baburao Khindkar and it bears the acknowledgment. The arrest *panchanama* also shows that the grounds were communicated and the information was given to Samadhan. The entry in the station diary shows that the grounds of arrest were communicated to the relatives. The grounds for the arrest were reiterated while seeking police custody on the date of arrest itself. In such a situation, I find that there is sufficient compliance of Section 50 of the CrPC. The submissions in this regard is devoid of any substance.

17. It is relevant to notice that applicant has failed to demonstrate the prejudice caused to him. Since his arrest, he is being represented by a lawyer which is evident from the order dated 13.03.2025 passed by JMFC granting police

custody. He was having legal assistance and he was having knowledge of the grounds as well as the relevant information of the arrest. The grievance of the applicant cannot be countenanced at this stage of the proceeding.

18. Learned counsel Mr. Nitin Gaware has relied upon judgment of Supreme Court in the case of *Pankaj Bansal V. Union of India* reported in (2024) 7 SCC 576 in which the arrest was held to be illegal for non-compliance of section 19 sub-section (1) of PMLA Act, 2002. He also referred to judgment of Supreme Court in *Vihaan Kumar V. State of Haryana and another* reported in (2025) 5 SCC 799 which was rendered on 07.02.2025 which also reiterates importance of section 19(1). Further reliance is placed on judgment of *Directorate of Enforcement V. Subhash Sharma* reported in 2025 SCC OnLine SC 240 and *Ahmed Mansoor and others Vs. The State*; (Criminal Appeal No. 4505 of 2025), to buttress that accused would be entitled to bail if the arrest is without following due procedure of law.

19. He further relied on judgment of Division Bench of the Bombay High Court in *Mahesh Pandurang Naik V. State of Maharashtra*; 2024 SCC OnLine Bom 3918 as well as Supreme Court in *Prabir Purkayastha V. State (NCT of Delhi)*; (2024) 8 SCC 254 to show that there is difference in informing reasons and grounds of arrest. He has fairly referred to judgment of Supreme Court in *Mihir Rajesh Shah V. State of Maharashtra and another* ; 2025 SCC OnLine SC 2356 rendered on 06.11.2025.

20. Respondents also referred to judgment of Supreme Court in *State of Karnataka V. Sri Darshan Etc.* (Criminal Appeal No. 3528 – 3534 of 2025 – dated 14.08.2025); 2025 INSC 979, Division Bench of Delhi High Court in *Karan Singh Vs. State NCT of Delhi* (W.P.(CRL)4203/2025) and learned Single Judge of

Bombay High Court in Criminal Appeal No. 693 of 2025 (*Walmik Baburao Karad Vs. The State of Maharashtra*), to justify the arrest of the applicant.

21. It is relevant to refer to following extracts of Supreme Court in *Vihaan Kumar* (supra), to understand the purport of section 50(A) which reads as under :-

“42. The purpose of inserting Section 50-A CrPC, making it obligatory on the person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law. The arrested person, because of his detention, may not have immediate and easy access to the legal process for securing his release, which would otherwise be available to the friends, relatives and such nominated persons by way of engaging lawyers, briefing them to secure release of the detained person on bail at the earliest. Therefore, the purpose of communicating the grounds of arrest to the detainee, and in addition to his relatives as mentioned above is not merely a formality but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated persons to secure his release at the earliest possible opportunity for actualising the fundamental right to liberty and life as guaranteed under Article 21 of the Constitution. Hence, the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated by the arrested person, so as to make the mandate of Article 22(1) of the Constitution meaningful and effective failing which, such arrest may be rendered illegal.”

22. A Division Bench of Delhi High Court considered the ratio of *Mihir Rajesh Shah* (supra) and laid down that it would operate prospectively in following words :-

*“19. There is one more aspect of the case. The grievance about the alleged procedural lapse has been raised very belatedly i.e. after more than one year and nine months of the arrest and there is no whisper of any prejudice being caused to the petitioner, who was represented by counsel from day one. Supreme Court in **State of Karnataka v. Sri Darshan** : 2025 SCC OnLine SC 1702 has held that while compliance of Section 50 Cr.P.C. is mandatory, the consistent judicial approach has been to adopt a ‘prejudice-oriented test’ when examining alleged procedural lapses and, further held that mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice by denial of a fair opportunity to the accused to defend themselves.*

20. In conspectus of the facts and circumstances, this Court finds that the challenge to the arrest of the petitioner fails on three counts:

- i. *The law laid down in Mihir Rajesh Shah (supra), insofar as it mandates uniform written communication of grounds of arrest, operates prospectively;*
- ii. *The petitioner's clear and evident contemporaneous awareness of the substance and basis of his arrest from the inception; and*
- iii. *Absence of any demonstrated prejudice, coupled with the inordinate delay in raising the grievance."*

23. Relying on the same, learned Single Judge of this Court in Criminal Appeal No. 693 of 2025 (*Walmik Karad V. The State*) (*supra*) also adopted the same view.

24. The respondents have relied upon judgment of *State of Karnataka V. Sri Darshan* (*supra*) and following extracts as under :-

"20.1.5. While Section 50 Cr. P.C. is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.

20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail."

25. Considering the judgment of the Supreme Court in *State of Karnataka V. Sri Darshan, Mihir Rajesh Shah* and judgment of Delhi High Court in *Karan Singh* (*supra*), the arrest of the applicant in the present matter is prior to crucial date 06.11.2025 and can not be illegal. I find no procedural lapses in his arrest. I find no merits in the submissions advanced by Advocate Mr. Nitin Gaware in this regard.

26. I have already observed that applicant is entitled to be released on bail on the merits of the matter and long incarceration.

27. Hence, I pass the following order :-

I) The Bail Application is allowed.

II) The applicant shall be released on bail in connection with Crime No. 57 of 2025, registered with Pimpalner Police Station, Dist. Beed for the offences punishable under Section 307, 367, 368, 120-b, 324, 323, 504, 506, 342, 143, 147, 148, 149 of the Indian Penal Code, on the following conditions:

(a) The applicant shall furnish P.R. bond of Rs.75,000/- (Rs. Seventy Five Thousand only) with one or more solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall report the Investigating Officer on every Saturday between 10.00 am and 04.00 pm till commencement of the trial.

(e) The applicant shall surrender his ADHAAR and PAN Cards.

(f) The applicant shall co-operate for expeditious disposal of the trial.

(SHAILESH P. BRAHME, J.)

arp/-