HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3603 OF 2026

Bharat Sopan Pathare .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Sagar Paspohe a/w. Mr. Abhishek Yende, Advocates for Applicant.
- Mr. Amit Munde, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 12, 2026

P.C.:

1. Heard Mr. Paspohe, learned Advocate for Applicant and Mr. Munde, learned APP for Respondent.

2. This is an Application under Section 439 of the Code of Criminal Procedure Code, 1973 read with 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.514 of 2023 registered with Chandan Nagar Police Station, Pune for offences punishable under Sections 120B, 406, 409, 419, 420 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, 1999.

3. Case of Applicant is squarely covered by the decision of the Division Bench of this Court in the case of ***Kalim Isaq Shaikh Vs. State of Maharashtra***[1].

1 Writ Petition No.4598 of 2026 decided on 23.09.2026.

4. It is *prima facie* seen from the record before the Court that even according to the prosecution, Applicant was apprehended and arrested on 18.02.2026 from Pathardi Phata, Nashik and there is reference in the Arrest Register to that effect. Once that is the case, in the same Arrest Diary the details stated are that the arrest of the Applicant is on 19.02.2026 at 4:15 a.m. in the morning. This in itself *prima facie* violates the statutory provisions of Section 47 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Once according to the prosecution, if the Applicant is arrested on 18.02.2026, which is clear from the prosecution's own case, then it was duty of the prosecution to ensure that he was produced before the Magistrate within 24 hours. In the instant case, the Applicant has been produced before the magistrate at 3:16 p.m. on 19.02.2026 and it is seen that , the time of arrest on 18.02.2026 is clearly missing which *prima facie* gives rise to doubt and suspicion.

6. That apart, it is argued that Applicant was arrested in Nashik but not presented before the Magistrate for seeking remand but was brought from Nashik to Pune after and beyond the period of 24 hours and presented before the Pune Magistrate only at 03:16 p.m on the following day i.e. 19.02.2026.

7. Mr. Munde has argued that in the arrest diary, prosecution has stated that he was arrested on 19.02.2026 in the early morning at 04:15 a.m., but then in that case, the same diary entry contradicts the date and time of arrest of the Applicant since it states his arrest having been made on 18.02.2026. Having considered the submissions made, it is clear that it was duty of the Investigating Agency and they were bound to produce the Applicant before the nearest Magistrate either at Nashik or for that matter at Pune, within the period of 24 hours after his arrest. That not having been done, there is violation of the statutory provisions which entitle the Applicant to bail as decided by the Court in the case of ***Kalim Isaq Shaikh*** (*supra*).

8. It is also seen that there was no arrest memo recorded by the prosecution on 18.02.2026.

9. Considering the aforesaid, Applicant has made out case for grant of bail subject to following conditions:-

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 514 of 2023;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Thousand only) with one or two surety / sureties of the like amount;

(iii) Applicant shall report to the Investigating Officer at the concerned Police Station, once every month on the first Monday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

10. It is clarified that the observations made in this order are

limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

11. Bail Application is allowed and disposed of in the above terms.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT

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