

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

CRIMINAL WRIT PETITION NO.3 OF 2026

BASAVRAJ
GURAPPA
PATIL

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Date: 2026.03.05
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Mr. Kishor Popat Jadhav
Vs.

.. Petitioner

State of Maharashtra & Anr.

.. Respondents

...

Mr. Ali Kaashif Khan Deshmukh with Ms. Snigdha Khandelwal and Mrs. Sandhya Sonawane, Advocates for the Petitioner

Mrs. M. M. Deshmukh, In-charge Public Prosecutor with Mr. K. V. Saste, Additional Public Prosecutor for the Respondent No.1-State

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 5th FEBRUARY 2026

P.C. :

The petitioner is seeking a declaration that his arrest on 9th January 2025 and his continued detention are illegal, arbitrary and unconstitutional and violative of Articles 21 and 22 of the Constitution of India. The petitioner has prayed for the following reliefs :-

- "a) That this Hon'ble Court be pleased to ISSUE writ of Habeas Corpus or any other appropriate Writ and DECLARE the arrest dated 09/10/2025 and continued detention of the Petitioner as illegal, arbitrary, unconstitutional, and violative of Articles 21 and 22 of the Constitution of India;
- b) That this Hon'ble Court be pleased DECLARE all the Remand Orders passed by the Ld. Additional District And Sessions Court Indapur, Pune, dated 09/01/2025, 13/01/2025, 14/01/2025 as NULL AND VOID as the same is in complete violation of the constitutional mandate i.e. Non-Compliance of Section 47 of BNSS;
- c) That this Hon'ble Court be pleased to QUASH AND SET ASIDE all the Remand Orders dated 09/01/2025, 13/01/2025, 14/01/2025 and any other subsequent orders in relation to C.R No. 23 OF 2025

registered with Indapur Police Station for the offences punishable under Section 64, 351 (2)(3) Of BNS, 2023 r/w Section 3(1)(r)(s), 3(2)(va), 3(1)(w)(i)(ii) Of The Scheduled Caste And The Scheduled Tribes, 1989;

- d) That this Hon'ble Court be pleased to RELEASE the Accused/Petitioner in connection to SPL. CASE NO. 644 OF 2025 AT LD. ADDITIONAL DISTRICT AND SESSIONS COURT INDAPUR, PUNE;*
- e) Any other interim/Ad-reliefs, if any;*
- f) Any other orders/reliefs be passed as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience."*

2. The petitioner moved an application for bail vide Bail Application No. 02 of 2025 which was dismissed by the Court of Additional Sessions Judge, Indapur, District Pune on 27th February 2025. He was again denied bail in Criminal Bail Application No.108 of 2025 by an order dated 9th June 2025. Aggrieved by the same, the petitioner filed an appeal vide Criminal Appeal No. 835 of 2025 in this Court which came to be dismissed by an order dated 24th September 2025.

3. The allegation against the petitioner is that he lured the victim on the promise that he would give her additional work for sugarcane cutting, fulfill demands, transfer an acre of land along with a place of residence to her because he loved her. The victim was working with the petitioner since 28th November 2024 in a sugarcane cutting factory. On the fateful evening of 31st December 2024, he asked her to meet him and upon meeting her, he insisted her to have sexual relations with him which she denied. It is alleged that the petitioner forcibly had sexual intercourse with the victim by threatening to kill her along with her husband. It is further stated that even after committing rape upon her, he kept calling the victim.

4. In a *Habeas Corpus* petition what is relevant to examine is whether the detinue is in illegal detention. The petitioner was in custody and his bail applications in Bail Application No. 02 of 2025 and Criminal Bail Application No.108 of 2025 have been rejected by a

Court of competent jurisdiction. As to supply of grounds of arrest, it is necessary to indicate that no such plea seems to have been raised by the petitioner before the Sessions Court in Criminal Bail Application Nos.2 of 2025 and 108 of 2025 or before this Court in Criminal Appeal No.835 of 2025. Besides this, there is no reason coming forth from the petitioner why he did not challenge his arrest at the relevant time and has come to this Court about one year after his arrest. On such grounds, a petition with prayers for declaring the arrest of the petitioner as illegal cannot be entertained.

5. Writ Petition No.3 of 2026 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]