

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2773 OF 2025

Imran Noorhasan shaikh	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Naushad Ahmed, for the Applicant.
Mr. H. J. Dedhia, APP, for the Respondent - State.

CORAM: R. M. JOSHI, J.

DATED: 18th APRIL, 2026

PC:-

1. Applicant seeks bail solely on the ground that they were not provided with the grounds of arrest.
2. Learned APP opposed the application by contending that the first bail application before this Court was rejected on merit and even before this Court no grievance was made with regard to the non providing of the grounds of arrest to the Applicant. It is his submission that at the time of remand so also during the bail application filed before the Sessions Court so also before this Court applicant was represented by a lawyer of his choice.
3. In case of *State of Karnataka Vs. Sri Darshan etc., in Criminal Appeal Nos. 3528 – 3534 of 2025 (Arising from SLP (Cri.) Nos. 516 -522 of 2025)* following observations are made :-

“20.1. Delay in furnishing the grounds of arrest cannot, by itself, constitute a valid ground for grant of bail.

20.1.1. *The learned counsel for the respondents accused contended that the arrest was illegal as the grounds of arrest were not furnished immediately in writing, thereby violating Article 22 (1) of the Constitution and Section 50 Cr.PC (now Section 47 of the Bharatiya Nagarik Suraksha Sanhita). This submission, however, is devoid of merit.*

20.1.2. *Article 22(1) of the Constitution mandates that "no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice". Similarly, Section 50 (1) Cr.PC. requires that "every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.*

20.1.3. *The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest - but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.*

20.1.4. *In Vihaan Kumar v. State of Haryana", it was reiterated that Article 22(1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing. Similarly, in Kasireddy Upendar Reddy v. State of Andhra Pradesh, it was observed that when arrest is made pursuant a warrant, reading out the warrant amounts to sufficient compliance Both these post-Pankaj Bansal decisions clarify that written, individualised grounds are not an inflexible requirement in all circumstances."*

4. Here in this case admittedly after arrest applicant was produced before the Magistrate and he was duly represented by a lawyer. Even in applications filed before the Sessions Court for bail no grievance was made with regard to non providing of grounds of arrest. Much less any prejudice being shown to have been caused to the Applicant.

5. Apart from this even in the application filed before this Court seeking bail, no such submissions were made. It is only after rejection of the application by this Court on merit, the ground is sought to be raised about non providing the grounds of arrest. Applicant has been arrested on 2nd August 2022. For over a period of three years, Applicant did not find it to be a ground. Such ground cannot be raised only for the purpose of grant of bail which came to be rejected earlier on merit.

6. Learned APP has drawn attention of the Court to the fact that on the previous date of hearing when before the Trial Court, when both accused persons were produced and charge was to be framed, at the instance of present Applicant framing of charge was deferred.

7. Having regard to the overall facts of the case and considering the seriousness of the crime and involvement of the Applicant therein it is not a fit case for grant of bail. Hence, application stands rejected.

(R. M. JOSHI, J.)

VDMokal/-