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VASANT
ANANDRAO
IDHOL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3572 OF 2025

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Amol Bhaidas Chavhan

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Jayant Bardeskar for the Applicant.

Mrs.S.E. Phad, APP for the Respondent – State.

Ms.Sonali Patil, PSI attached to Narpoli Police Station, Bhiwandi
is present in Court.

CORAM : R.M. JOSHI, J.
DATE : 28TH APRIL, 2026.

P.C. :-

1. Applicant seeks bail in connection with Crime No.1401 of 2024 registered with Narpoli Police Station, Bhiwandi, District Thane for the offences punishable under Sections 103(1), 74, 115(2) of Bhartiya Nyaya Sanhita, 2023 (BNS).
2. Learned Counsel for the Applicant submits that he is seeking bail solely on the ground that grounds of arrest were not furnished to the Applicant in writing. It is claimed that Applicant

is arrested on 26th July, 2024. He drew attention of the Court to the judgment in the case of *Pankaj Bansal Vs. Union of India and Ors. - (2024) 7 SCC 576* delivered on 3rd October 2023 whereby grounds of arrest are mandatorily to be given in writing to the arrestee. He further placed reliance on judgment in a case of *Prabir Purkayastha Vs. State (NCT of Delhi) – (2024) 8 SCC 254 and Vihaan Kumar Vs. State of Haryana and Anr.*

3. Learned APP opposed the application by submitting that since the Applicant was taken in custody, while he was in custody in another crime, no grounds of arrest were required to be provided to him. In any case, it is her submission that as recorded in the arrest form, the grounds of arrest were communicated to the Applicant. She took aid of the judgment of the Hon'ble Supreme Court in the case of *State of Karnataka Vs. Sri Darshan Etc.* - Criminal Appeal nos. 3528 – 3534 of 2025 dated 14.08.2025, to oppose grant of bail on this ground. Learned APP submits that though grounds of arrest are not specifically communicated, the gravity of offence be considered.

It is pertinent to note that in the case of *Sri Darshan,*

(supra), the Hon'ble Supreme Court has dealt with the said aspect. However, in subsequent judgment referring to the case of *Sri Darshan* (supra) , Hon'ble Supreme Court has held that in case the grounds of arrest are not provided, the arrest would become illegal and hence the Applicant is entitled for bail.

4. In response thereto Learned Counsel for the Applicant placed reliance on the order of Hon'ble Supreme Court in case of *Ahmed Mansoor And Ors. Vs. The State, Rep. by Assistant Commissioner of Police And Anr. in Criminal Appeal No. 4505 of 2025 [@ SLP [CRL.] NO. 198/2025]* wherein after considering *Sri Darshan* (supra), it is held that non-communication of grounds of arrest is fatal to the validity to the arrest itself.

5. Since admittedly no grounds of arrest are communicated to the Applicant in writing, there is non-compliance of the order of Hon'ble Supreme Court in *Pankaj Bansal* (Supra) and other judgments.

6. Similarly in view of the judgment in case of *Ahmed Mansoor* (Supra), this Court finds no reason to accept contention of the learned APP that in view of the judgment of the Hon'ble

Supreme Court in a case of **Sri Darshan** (Supra), there is substantial compliance of the same.

7. In view of the same without going into the merits of the case and in view of the above, solely on the ground that grounds of arrest are not provided to the Applicant in writing his arrest is required to be considered as illegal. Hence, following order :-

ORDER :

- i) Criminal Bail Application stands allowed in connection with Crime No.1401 of 2024 registered with Narpoli Police Station, Bhiwandi, District Thane for the offences punishable under Sections 103(1), 74, 115(2) of Bhartiya Nyaya Sanhita, 2023 (BNS).
- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.50,000/- with one or two local sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant is directed to attend the concerned Police Station once in a month till conclusion of trial.
- iv) The Applicant is directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.

v) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

8. In view of the above, Application stands allowed and disposed of accordingly.

9. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R.M. JOSHI, J.)