

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3898 OF 2025

Mahadeo Pandurang Jadhav ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Taraq Sayed a/w Anish Pareira, Aryan Kotwal, Ashwinii Achari
for the Applicant.

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

Manjitsing Chavan, P.I. N.M. Joshi Marg Police Station.

CORAM: R. M. JOSHI, J.

DATED: 10th APRIL, 2026

PC:-

1. By this Application, the applicant seeks enlargement on bail in connection with C.R. NO.133 of 2023, registered with N M Joshi Marg, Police Station Mumbai, for the offences punishable under sections 406, 401, 420, read with 34 Indian Penal Code (for Short "I.P.C.) and Sections 3 and 4 of the Maharashtra Protection Of Interest Of Depositors (in financial establishment) Act,1999 (in short "M.P.I.D. Act").

2. The Applicant came to be arrest on 15.07.2024. It is alleged that the applicant, was involved in the operations of M/s. Rehan

enterprises, which allegedly induced the complainant to invest Rs. 50,00,000/- on 15.07.2022. This investment was made based on the representation of a fixed monthly return of 5% through share market, forex, and cryptocurrency trading. Total investment made by the complainant was of Rs. 1,32,62,500/-and while one interest of payment was received in august 2022, however subsequently the post-dated cheques were bounced in 25.11.2022. During investigation it was discovered that around 105 other investors have also invested in Rehan enterprises. The chargesheet has come to be filed and the applicant is presently in judicial custody.

3. Learned Counsel for the applicant submits that apart from the merits of the case, applicant is entitled for bail on the ground that he was not furnished with the ground of arrest and as such the arrest of the applicant is illegal. It is his contention that offence of criminal breach of trust and cheating cannot go together, in such circumstances it was absolutely essential for the arresting officer to communicate specific grounds of arrest to the applicant. It is submitted that distinction has been made by the Hon'ble Supreme Court in the case of *Prabir Purkayastha vs. State (NCT of Delhi)* (2024) 8 SCC 254., with the grounds of arrest and reasons of

arrest. It is his submission that by referring Hon'ble Supreme Court judgment of *Prabir Purkayastha (supra)* para 47 and 48 of the said ground of arrest cannot be equated with reasons of arrest. According to him, it has become immaterial in the instant case as there could be only offence of cheating or the criminal breach of trust, as both cannot be charged simultaneously against the accused.

4. In response to the submission of the learned APP with regard to the grounds of arrest. It is submitted that this is not grounds of arrest that without specifically mentioning about the offence for which his arrest is required. In support of this submission, he placed reliance on the judgments of the Hon'ble Supreme Court in the following case:-

- 1) **Lalit Shaym Techandani vs. State of Maharashtra and Anr 2024 SCC Online Bom 3837.**
- 2) **Arvind Kejriwal Vs. Directorate of Enforcement 2024 SCC Online SC 1703.**
- 3) **Prabir Purayastha Vs. State (NCT of Delhi) (2024) 8 SCC 254**
- 4) **Bharat Pukhraj Chaudhary Vs. State of Maharashtra and Anr. 2024 SCC Online Bom 3515: (2024) 4 Bom CR (Cri) 905.**

5. It is his submission that, in any case, the offence charged against the present applicant is punishable for imprisonment of seven years and in view of the fact that applicant is in jail for over a year his further custody is not justified.

6. Learned APP opposed the application by contending that having regard to the seriousness of the crime also applicability of the provisions of the M.P.I.D. Act, applicant is not entitled for bail.

7. She drew attention of the Court's to the document indicating the reasons of arrest provided to the applicant. It is her submission that the said writing dated 15.07.2024 is sufficient to show that the applicant was duly provided with the ground of arrest.

8. There cannot be any dispute made with regard to the fact that providing of ground of arrest in writing is mandatory in view of the judgment of Hon'ble Supreme Court in the case of ***Pankaj Bansal Vs. Union of India (2023) and Mihir Rajesh Shah Vs. State of Maharashtra & Anr. (2025)***.

9. Prima-facie, perusal of the chargesheet indicates that the offences alleged against the present applicant involved criminal breach of trust as well as cheating There cannot be dispute with

regard to the position of law that both these offences cannot be simultaneously charged as they are mutually exclusive to each other. In view of the facts of the present case it becomes absolutely necessary that the applicant is communicated with the ground of arrest. which would record the offence for which his custody is essential. *Prima-facie*, perusal of the communication dated 15.07.2024 does not satisfy the said requirement. Thus by following dictum of Hon'ble Supreme Court in case of Pankaj Bansal (supra), arrest of applicant can not be termed a legal. Consequently, applicant is entitled for bail.

10. Hence, following order:-

ORDER

- i) Criminal bail Application No. 3898 of 2025 stands allowed, in connection with CR. No. 133 of 2023 lodged by/registered with N.M. Joshi Marg Police Station, Mumbai, the applicant be enlarged on bail on furnishing PR Bond in the sum of Rs. 30,000/- with one surety in the like amount to the satisfaction of the Trial Court.
- ii) The Applicant shall attend every date of hearing before the Trial Court, unless exempted by specific order of the Trial Court.
- iii) In view of the above, the Bail Application stands disposed of.

(R. M. JOSHI, J.)