

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 30 OF 2026

Ashish Kumar Rajkumar Bhatu @ Halu @ Bhadoriya ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Prashant Pandey a/w Dinesh Jadhvani a/w Ridhima

Mangaonkar i/b W3 LEGAL LLP, for the Applicant.

Mrs. Sangeeta D. Shinde, APP, for the Respondent - State.

CORAM: R. M. JOSHI, J.

DATED: 23rd APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 212 of 2024 registered with Arnala Sagari Police Station, Dist. Palghar for the offences punishable under Sections 392 read with 34 of the Indian Penal Code, 1860 (for short "IPC") and 3(1)(ii), 3(2) and 3(4) of The Maharashtra Control of Organised Crime Act, 1999, (for short, "MCOCA").

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 25th June, 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

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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 *Sate 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.

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 [CRI.] NO. 198/2025]* wherein after considering Sri Darshan, 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 above, solely on the ground that grounds of arrest are not provided to the Applicant in writting his arrest is required to be considered as illegal. Hence, following order :-

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 212 of 2024 registered with Arnala Sagari Police Station, Dist. Palghar for the offences punishable under Sections 392 read with 34 of the Indian Penal Code, 1860 and 3(1)(ii), 3(2) and 3(4) of The Maharashtra Control of Organised Crime Act, 1999.
- 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.)

VDMokal/-