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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2227 OF 2026

Shreekant Ramakbal Tiwari ... Applicant

Versus.

The State of Maharashtra ... Respondent

Mr. Avadhesh Dubey a/w Mr. Manan Shaikh, Advocates for Applicant.

Ms. A. S. Gotad, APP for Respondent – State.

Mr. Sardar Vasekar – PSI, Panvel Police Station, Navi Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th JUNE, 2026

P.C. :

1. Heard Mr. Avadhesh Dubey, learned Advocate for the Applicant and Ms. A. S. Gotad, learned APP for the State.

2. This Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicant to seek bail in Crime No. 304 of 2024 registered with the New Panvel Police Station, Panvel, for offences punishable under Sections

103(1), 238 of the BNS, 2023, and Sections 4 and 25 of the Arms Act, 1959.

3. Applicant is the sole Accused in the present crime bearing Crime No. 304 of 2024. The Crime No. 304 of 2024 is registered as Sessions Case No. 22 of 2025 and is pending before the Court of the Additional Sessions Judge, Panvel, District Raigad.

4. Applicant was arrested on 06.11.2024 and continues to remain in jail. The Bail Application at Exhibit No. 2, filed by the Applicant in Sessions Case No. 22 of 2025, was rejected by the Additional Sessions Judge on 05.07.2025.

5. The prosecution case is that the FIR was registered based on the complaint filed by the son of Yakub Khan (deceased). It is alleged that on 26.10.2024 at 4.00 p.m., the deceased left his house on his scooty but did not return, leading to the registration of a missing complaint at Panvel Taluka Police Station. During the inquiry into the missing complaint, the Police found that on 26.10.2024, the deceased had gone along with the Accused

towards village Murbe on a scooty. CCTV footage in the locality captured the Applicant and the deceased riding the scooty, which was later found in a pond.

6. Mr. Avadhesh Dubey, learned Advocate for the Applicant, submits that the Applicant was arrested on a false complaint and seeks bail on the limited ground that the arrest is illegal. He submits that the Applicant was illegally arrested on 04.11.2024 and was not produced before the Magistrate within 24 hours. He therefore emphasizes that the arrest is illegal. He submits that there is violation of the provisions of the BNSS, 2023, inasmuch as no notice under Section 35 of the BNSS, 2023, was issued to the Applicant prior to his arrest. He, on the basis of the above submissions, requests bail.

7. Ms. A. S. Gotad, learned APP for the State, submits that the material on record is sufficient to show the Applicant's involvement in the crime. She refers to the CCTV footage and submits that the Applicant was last seen along with the deceased. She refers to the Memorandum of arrest dated 06.11.2024 and

submits that the Applicant was arrested on 06.11.2024 and that all required formalities, including the production of the Applicant before the Magistrate, were completed within the permitted time. She relies on the Memorandum dated 06.11.2024, which is at Exhibit - 'C', page Nos. 31 to 35 of the paper book.

8. Perused the records.

9. The material on record, including the CCTV footage in which the Applicant is last seen with the deceased, prima facie indicates the Applicant's complicity in the present crime.

10. With reference to the contentions of Mr. Avadhesh Dubey, the Memorandum of arrest dated 06.11.2024 indicates that the Applicant was arrested on 06.11.2024 at 3.22 a.m. and was produced before the Magistrate on the same day i.e. 06.11.2024, as evident from the Remand order at page No. 36 of the Application paper book.

11. Mr. Avadhesh Dubey, learned Advocate for the Applicant, apart from his statement that the Applicant was

arrested on 04.11.2024, was unable to point out any other material in support of his contention that the Applicant was arrested on 04.11.2024.

12. In view of the above, no case is made out for bail.

13. Bail Application No. 2227 of 2026 is rejected.

(ASHWIN D. BHOBE, J.)