



TEM NOS.20 & 47

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 17132/2024

[Arising out of impugned final judgment and order dated 25-11-2024 in CRWP No. 3533/2024 passed by the High Court of Judicature at Bombay]

MIHIR RAJESH SHAH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

[FOR ADMISSION and IA No.283505/2024-EXEMPTION FROM FILING O.T.
IA No. 283505/2024 - EXEMPTION FROM FILING O.T.]

WITH

SLP(CRL) NO. 4118/2025 (II-A)

SLP(CRL) NO. 5819/2025 (II-A)

[IA No. 97524/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 97525/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES]

Date : 22-04-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Amicus Curiae

Mr. Shri Singh, Adv.

Ms. Tusharika Mattoo, Adv.

Mr. Siddharth Satija, Adv.

Mr. Abhinav Sekhri, Adv.

For Petitioner(s) :

Dr. Abhishek Manu Singhvi, Sr. Adv.

Mr. Siddharth Sharma, AOR

Mr. Jay Bhardwaj, Adv.

Ms. Disha Bajaj, Adv.

Mr. Rishi Bhuta, Adv.
Ms. Ishika Chauhan, Adv.

Mr. Vikram Chaudhri, Sr. Adv.
Mr. Rishi Sehgal, Adv.
Mr. Nikhil Jain, AOR
Ms. Arveen Sekhon, Adv.
Ms. Muskaan Khurana, Adv.

Mr. Karl P. Rustomkhan, Adv.
Mr. Vaibhav Jagtap, Adv.
Mr. Ashish Pandey, AOR
Mr. Shubham Saxena, Adv.
Mr. Anmol Goyal, Adv.
Mr. Pushkar Dwivedi, Adv.
Mr. Akshit Chauhan, Adv.

For Respondent(s) :

Ms. Rukhmini Bobde, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Ms. Soumya Priyadarshinee, Adv.
Mr. Vinayak Aren, Adv.
Mr. Amlaan Kumar, Adv.
Mr. Jatin Dhamija, Adv.
Mr. Naveen Kumar Bhardwaj, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

SLP(CRL) NOS. 17132/2024, 4118/25 AND 5819/2025

1. Leave granted.

2. Heard Dr. Abhishek Manu Singhvi, learned senior counsel for the appellant (in SLP(Crl) No.17132/2024), Shri Vikram Chaudhri, learned senior counsel for the appellant (in SLP(Crl) No.5819/2025), Mr. Karl P. Rustomkhan, learned counsel for the appellant (in SLP(Crl) No. 4118/2025) and Ms. Rukhmini Bobde, learned counsel appearing for the respondent/State in all these matters, at length.

3. The question that we are called upon for consideration in the present proceedings is: whether in

each and every case, even arising out of an offence under Indian Penal Code, would it be necessary to furnish grounds of arrest to an accused either before arrest or forthwith after arrest. Another question that this Court is required to consider is: whether, even in exceptional cases, where on account of certain exigencies it will not be possible to furnish the grounds of arrest either before arrest or immediately after arrest, the arrest would be vitiated on the ground of non-compliance with the provisions of Section 50 of the Code of Criminal Procedure.

4. Hearing concluded.

5. Judgment reserved.

6. Written submission, if any, be filed within a week.

7. In the appeal arising out of SLP (Crl) No.17132/2024, at the stage of issuance of notice this Court had clarified that the Court is not inclined to entertain the petition on its merits. However, the Court issued notice for considering the question of law/legal position, which we have already referred to hereinabove.

8. Crl.A. No. @ SLP(Crl) No. 4118/25 and Crl.A. No. @ SLP(Crl) No.5819/2025 arise out of an order passed by the learned Division Bench of the Bombay High Court, thereby referring the matters to a Larger Bench with regard to the question as to whether grounds of arrest are required to be communicated to the person(s)

arrested prior to the arrest or immediately after the arrest.

9. Learned Judges of the Division Bench found that there was a conflict between two judgments of the High Court in Mahesh Naik v. State of Maharashtra, [2024: BHC-AS 28 603 DB] and Mihir Rajesh Shah Vs State of Maharashtra (2024: SCC Online Bom. 3660).

10. It appears that the High Court clubbed a bunch of matters and referred all those matters to a Larger Bench.

SLP(Crl) No. 4118/25 and SLP(Crl) No.5819/2025

11. Since the question of law in these matters [SLP (Crl) No. 4118/25 and SLP(Crl) No.5819/2025] is the same as in SLP(Crl) No.17132/2024, at the request of the learned counsel, the matters are taken up together for deciding all of them together.

12. However, taking into consideration the peculiar facts and circumstances of these cases, we are inclined to consider the prayer for interim relief.

13. In appeal arising out of SLP (Crl) No.4118/2025 the FIR arises out of a commercial transaction between the complainant and the accused. The charge-sheet has already been filed and the accused is incarcerated in jail for a period of nine months.

14. In that view of the matter, by way of ad interim order, we are inclined to release the appellant-Rupesh

Shankarlal Mange on bail.

15. Accordingly, the appellant-Rupesh Shankarlal Mange is directed to be released on bail, during the pendency of the appeal before this Court, in connection with FIR bearing CR No.817 of 2024 dated 02.07.2024 registered at Santacruz Police Station, Mumbai, on such terms and conditions as deemed fit by the learned Trial Court.

16. In appeal arising out of SLP (Crl) No.5819/2025 the appellant is the mother of the main accused who was arrested for causing death of the deceased in an accident. The allegation against the appellant is that she attempted to fabricate the evidence in order to save the main accused, i.e. her son. The appellant is a woman and as such she is entitled for protection under Section 437 Cr.P.C. The charge-sheet has already been filed and the appellant has been incarcerated in jail for a period of more than ten months.

17. In that view of the matter, by way of ad interim order, we are inclined to release the appellant-Shivani Vishal Agarwal on bail.

18. Accordingly, the appellant-Shivani Vishal Agarwal is directed to be released on bail, during the pendency of the appeal before this Court, in connection with FIR No.306/2024, on such terms and conditions as deemed fit by the learned Trial Court

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
ASSISTANT REGISTRAR