

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 4786 OF 2025**

Yogesh Shantinath Ghaste,  
Age 38 Years, Occupation: Business,  
Residing at: Plot No.5, Pandharpur Road,  
Israel Nagar, Miraj.

In Jail – Sangli District Prison.

.....Petitioner

Vs.

The State of Maharashtra,  
(Being FIR No. 318/2022 dated  
2<sup>nd</sup> July 2022 registered with Miraj  
Rural Police Station.).

.....Respondent

.....

Mr. Tapan Thatte, Advocate for Petitioner

Mr. Avinash A. Naik, APP, for the Respondents-State.

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**CORAM: MRS. VRUSHALI V. JOSHI,  
SANDESH D. PATIL, JJ.**

**DATED: 24<sup>th</sup> JUNE 2026**

**ORAL JUDGMENT :- (Per Sandesh D. Patil, J.)**

1. Heard Mr. Tapan Thatte, learned counsel for the Petitioner.
2. Mr. Tapan Thatte made a submission that the Petitioner herein is the original complainant, at whose instance, the entire criminal proceeding initiated. He submits that the investigation went on and the police filed charge sheet under Section 173 of the Code of

Criminal Procedure. It appears that the investigation was kept open as against some of the accused and, thereafter, the Petitioner, who is the original complainant was arraigned as an accused. It appears that certain material was found against the Petitioner and therefore, the police sought to arrest the present Petitioner. The accused, i.e., the present Petitioner was arrested on 15<sup>th</sup> April 2025 at 20:59 Hours.

3. Mr. Thatte states that it is not his case that the grounds of arrest as contemplated under Section 50 of the Code were not served upon him. All that he states is that the previous charge sheet, which was filed *qua* the arrested co-accused was not supplied to the Petitioner under the provisions of Section 207 of the Code. He states that the grounds of arrest would include not only the grounds which were supplied to the accused at that point of time by the police, but it would also mean the statements recorded under the provisions of Section 161 of the Code, where the investigation was carried out *qua* the other accused persons.

4. He submits that failure on the part of the Court to supply the documents contemplated under Section 207 of the Code would

amount to travesty of justice and that he was not aware as to the grounds on which he was arrested. He states that supplying the grounds as stated under Section 50 of the Code would not only imply supplying the grounds of arrest which are already supplied, but also the documents, which are annexed to the charge sheet which is contemplated under Section 207 of the Code. He stated that it was the duty of the Magistrate to see that the charge sheet which was previously filed by the police authority is supplied to him as contemplated under Section 207 of the Code. He states that for this reasons the arrest of the Petitioner is illegal.

5. He relies upon the Judgments of the Honb'le Supreme Court in the case of *Prabir Purkayastha v. State (NCT of Delhi)*<sup>1</sup> and *Mihir Rajesh Shah v. State of Maharashtra & Anr.*<sup>2</sup> to contend that the arrest was illegal and that he should forthwith be released.

6. The learned APP points out that admittedly, the grounds of arrest were supplied to the Petitioner under Section 50 of the Code. He states that there was no necessity on the part of police to supply the charge sheet, which was filed *qua* the earlier co-accused. He

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1 (2024) 8 SCC 254.

2 (2026) 1 SCC 500.

states that Section 207 of the Code comes into force after charge sheet is filed. He states that the Petitioner is not a chargesheeted accused and, therefore, the provision of Section 207 of the Code is not attracted in the present case. He states that the ratio of the various Judgments delivered by the Apex Court including the *Prabir Purkayastha (supra)* and *Mihir Rajesh Shah (supra)* are not applicable to the present case.

7. We have heard the submissions of the learned counsel appearing for the parties. We have also gone through the provisions of Section 207 of the Code.

8. Section 207 of the Code is in Chapter-XVI, the heading of which is 'COMMENCEMENT OF PROCEEDINGS BEFORE THE MAGISTRATES'. The question of supplying the documents under the provisions of Section 207 of the Code arises when the accused is chargesheeted. There are certain documents which are filed before the Magistrate by the police after the charge sheet is filed. The documents which form part of the charge sheet need to be supplied to the accused.

9. Section 207 of the Code reads as under :

*“207. Supply to the accused of copy of police report and other documents.—In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the following:—*

*(i) the police report;*

*(ii) the first information report recorded under section 154;*

*(iii) the statements recorded under sub-section (3) of section 161 of all persons whom the prosecution proposes to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under sub-section (6) of section 173;*

*(iv) the confessions and statements, if any, recorded under section 164;*

*(v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (5) of section 173:*

*Provided that the Magistrate may, after perusing any such part of a statement as is referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused:*

*Provided further that if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court. ”*

10. Section 50 of the Code upon which much reliance is placed by the Petitioner reads as under :

*“50. Person arrested to be informed of grounds of arrest and of right to bail.—(1) Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.*

*(2) Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf”*

11. Section 50 of the Code is placed in Chapter-V of the Code, the heading of which is ‘ARREST OF PERSONS’. It is pertinent to note that both the said provisions operate in the different place. Whereas Section 50 of the Code talks about arrest of persons, the burden of giving the grounds of arrest is upon the police officer. Section 207 of the Code, on the other hand, which appears in Chapter-XVI of the Code casts the duty upon the Magistrate to see that the copy of the final report under Section 173 of the Code, the FIR under Section 154 of the Code and the statements under Section 161 of the Code which are forming part of the charge sheet are forwarded to the accused as contemplated under Section 207 of the Code. Since both the said provisions operate in different place, it would be too preposterous to assume that the accused should be given the copy of the charge sheet filed at the earlier stage against the earlier co-

accused. It is not in dispute that the accused/Petitioner herein at a subsequent stage would definitely be entitled to the charge sheet filed under Section 173 of the Code, where the stage of Section 207 comes into picture. However, it will not be possible to adhere to the prayers made by the Petitioner that under Section 207 of the Code, those documents should have been supplied to the Petitioner at the stage of Section 50 of the Code itself.

12. For the purpose of adjudicating the present issue, it would be apposite to refer to the judgment of the Hon'ble Supreme Court in the case of *State of Karnataka v. Sai Darshan Etc.*<sup>3</sup> The said judgment lays down that what is required is the communication of the grounds of arrest to the arrested person. The rationale underlying the said requirement is that the person concerned must be made aware of the reasons for his arrest so as to effectively avail of the legal remedies available to him and to safeguard his rights under law.

13. At this juncture, it would be apposite to refer to Paragraph 20.1.7 of the aforesaid judgment, which is of considerable significance and is, therefore, reproduced herein below:

*“20.1.7. In the present case, the arrest memos and*

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<sup>3</sup> 2025 SCC OnLine SC 1702.

*remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail.”*

14. The Petitioner does not dispute that the grounds of arrest were given to him, rather his entire edifice rests upon the fact that the grounds of arrest were given, but the documents as contemplated under Section 207 of the Code were not given. The attempt of the Petitioner to stretch the provisions of Section 207 of the Code into the provisions of Section 50 of the Code is totally preposterous, uncalled for and contrary to the settled law. For this reason, we have no hesitation to dismiss this petition.

15. Consequently, the Writ Petition is dismissed.

16. No order as to costs.

17. We have not passed any order on merit and that all the contentions of the Petitioner on merits while deciding the bail application are kept open.

**(SANDESH D. PATIL, J.)**

**(MRS. VRUSHALI V. JOSHI, J.)**