

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. ___ OF 2020

IN

CRIMINAL WRIT PETITION (ST.) NO. 4132 OF 2020

Arnab Goswami

.....Accused/Petitioner

Versus

State of Maharashtra and Others

.....Respondents

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For Phoenix Legal



Advocates for the Petitioner

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PROFORMA

<u>Office Notes. Office Memorandum of Coram appearance. Court's Orders or direction and Prothonotary's Orders.</u>	<u>Court's or Judge's Orders.</u>
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Bar & Bench

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Bar & Bench

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INTERIM APPLICATION NO. ___ OF 2020
IN
CRIMINAL WRIT PETITION (ST.) NO. 4132 OF 2020**

Arnab Goswami

S/o Manoranjan Goswami

R/o B-1701/1702

Raheja Atlantis CHS

GK Marg, Lower Parel

Mumbai – 400 013

Editor-in-Chief, Republic TV

...Applicant /Petitioner

In the matter between

Arnab Goswami

S/o Manoranjan Goswami

R/o B-1701/1702

Raheja Atlantis CHS

GK Marg, Lower Parel

Mumbai – 400 013

Editor-in-Chief, Republic TV

...Accused /Petitioner

Versus

1. **State of Maharashtra**)
Through Standing Counsel,)
Bombay High Court)

2. **Station House Officer,**)
 Alibaug Police Station)
 District Raigad)
 Maharashtra.)
3. **Param Bir Singh**)
 Commissioner of Police,)
 Mumbai, Office of the)
 Commissioner of Police,)
 4th floor, New Administrative)
 Building, LT Marg,)
 Mumbai- 400 001.)
4. **Union of India,**)
 Through the Standing Counsel,)
 Bombay High Court) ...Respondents

THE APPLICANT/ORIGINAL PETITIONER ABOVE NAMED MOST

RESPECTFULLY STATE AND SUBMIT AS HEREUNDER

1. The Petitioner filed the captioned writ petition to challenge the petitioner's illegal arrest by the Mumbai police on the morning of 4 November 2020 at around 7:45 A.M. and the wrongful/unlawful detention thereafter in connection with the FIR, being C.R. No. 0059 of 2018, dated 5 May 2018, registered at Alibaug Police Station, Raigad, under Sections 306 and 34 of the Indian Penal Code, 1860 (**FIR No. 59 of 2018**) and praying for an urgent order of stay of investigation in the above FIR, and for immediate release of the

Petitioner from illegal detention and wrongful custody. The contents of the said Petition are not reiterated and may be read as part of the present application.

2. On 4 November 2020, at the relevant time, it is an indisputable matter of record that more than 20 uniformed police officers led by Mr Sachin Vaze, an encounter specialist and armed with assault weapons barged into the house of the Petitioner in the early morning hours and forcefully dragged Petitioner out of the house. The Petitioner and his family were brutally manhandled, verbally and physically assaulted by the police officers and the Petitioner was dragged by his body out of the house in front of his family and taken in custody.
3. The Petitioner respectfully submits that the aforementioned events are borne out by the video footage obtained at the time of his arrest on 4 November 2020 and the same may be accessed at <https://www.youtube.com/watch?v=V5E4-Lj2LYU>. During the course of his arrest and while being transferred to Alibaug in a police van and in the custody of the police, the Petitioner suffered a 6-inch-deep gash on his left hand, a serious injury to his spinal cord, was hit by a heavy uniform police officer's boot, was not allowed to wear shoes throughout, suffered vein injuries and was not even given access to drinking water. Additionally, the Petitioner was also forced to consume certain liquid by the police officers guarding him and choked as a result thereof.

4. The Learned Chief Judicial Magistrate at Raigad-Alibaug, heard the Respondent's remand application at length on 4 November 2020 and rejected police custody and directed 14 days judicial custody of the Petitioner.
5. The investigation into FIR No. 59 of 2018 is illegal and dehors the law and consequently the arrest of the Petitioner is also blatantly vitiated and non-est in law. The Petitioner is filing the present application as the bail hearing before the Chief Judicial Magistrate, Alibaug, Raigad is dependent on the filing of a reply by the Maharashtra police, which will be deliberately delayed to ensure that the Petitioner remains illegally detained and his remedy is rendered infructuous and ineffective.
6. As stated in the Writ Petition, investigation into FIR No. 59 of 2018 was closed and a 'A' Summary report was accepted by the Chief Judicial Magistrate, Alibaug, Raigad on 16 April 2019 and there is no judicial order thereafter reopening the investigation/reinvestigation or directing further investigation. There is no requirement to continue the illegal detention of the Petitioner as all records of the matter are with the Maharashtra police which had been provided by the Petitioner way back in 2019.

7. The Petitioner undertakes to comply with such directions as may be passed by this Hon'ble Court.
8. The Petitioner craves leave of this Hon'ble Court to make further submissions and file such further affidavits/applications as may be required in support of the reliefs sought for in the present application.
9. In the aforesaid circumstances, the Petitioner respectfully submits that it would be in the interest of justice that this Hon'ble Court be pleased to grant the reliefs as sought in the captioned Application.
10. Since the Petitioner is in the custody of police, the present petition could not be verified by the Petitioner. The Petitioner undertakes to file a verification as and when he is released on bail.
11. The Petitioner humbly prays that this Hon'ble Court be pleased to allow and make absolute the present application.

PRAYERS

The Petitioner therefore humbly prays to this Hon'ble Court for the following reliefs:

- (a) Pending final hearing and disposal of the captioned writ petition, this Hon'ble Court be pleased to grant bail to the Petitioner in

FIR No. 59 of 2018 and direct the Respondents and/or each of them to immediately release the Petitioner from illegal detention and wrongful custody and/or arrest by the Respondents in view of detailed submissions made herein above, to meet the ends of justice.

- (b) Pending the final hearing and disposal of the captioned writ petition, this Hon'ble Court be pleased to stay all further proceedings, including the investigation in FIR No. 59 of 2018, with respect to the Petitioner.
- (c) Ad-interim reliefs in terms of prayers (a) and (b) above.
- (d) Such further orders and/or directions may be passed as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

For this act of kindness, the Petitioner is forever duty bound to pray.



For **PHOENIX LEGAL**
Advocates for the Petitioner

Petitioner

VERIFICATION

I, Arnab Ranjan Goswami, residing at B-1701/1702 Raheja Atlantis CHS, G.K. Marg, Lower Parel Mumbai 400013, the Petitioner abovenamed, do hereby solemnly declare that what is stated in the abovementioned paragraphs is true to my knowledge and is stated on information and belief which I believe to be true.

Solemnly declared at Mumbai)

this 5th day of November, 2020)

Petitioner



For **PHOENIX LEGAL**
Advocates for the Petitioner

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Arnab Goswami

... Petitioners

Versus

State of Maharashtra & Ors.

... Respondents

INTERIM APPLICATION

Dated this ____ Day of November, 2020

PHOENIX LEGAL

Advocates for Petitioners

Vaswani Mansion, Office Nos. 17 & 18

3rd Floor, 120 Dinshaw Vachha Road,

Churchgate, Mumbai – 400 020