

(2025) 04 KAR CK 0432
In the Karnataka High Court, Principal Bench
Case No : Criminal Petition No. 4353 Of 2025

Chiranjeevi

APPELLANT

Vs

State Of Karnataka Balehonnur P.S., Chief Superintendent,
District Prison, Chikmagalur - 577101, (Both Are Rep. By
Spp, High Court Complex, Bangalore - 560001)

RESPONDENT

Date of Decision : 15-04-2025

Acts Referred:

Citation : (2025) 04 KAR CK 0432

Hon'ble Judges : Shivashankar Amarannavar, J

Bench : Single Bench

Advocate : Reshma Madiwalar, Ramesh B. Chigari

Final Decision : Dismissed

Judgement

Hemant Chandangoudar, J

1. The petitioner who is facing trial for the offences punishable under Section 103(1) of BNS, 2023 is before this Court seeking relief.
2. The primary contention of the petitioner is that he was arrested on 07.12.2024 and remanded to judicial custody, and continuous to be in judicial custody as of today. However, the arrest stands vitiated for non-compliance of Article 22(1) of the Constitution of India.
3. The learned HCGP, on receiving instructions, submitted that the grounds of arrest were not served on the petitioner at the time of arrest.
4. The Hon'ble Apex Court in the case of Vihaan Kumar -vs- State of Haryana & anr. - in 2025 INSC 162, following the earlier decision has held that the requirement of informing the person arrested of the grounds of arrest is not a formality but a mandatory constitutional requirement. Article 22 is included in Part III of the Constitution under the heading of fundamental rights. Thus, it is the fundamental right of every person arrested and detained in custody to be

informed of the grounds of arrest as soon as possible. If the grounds of arrest are not informed as soon as arrest takes place or may be after the arrest, it would amount to a violation of the fundamental right of the arrestee guaranteed under Article 22(1) of the constitution. It will also amount to depriving the arrestee of his personal liberty. The reason is that, as provided in Article 21 of the constitution, no person shall be deprived of his right to life or personal liberty except in accordance with the procedure established by law.

5. Since, the grounds of arrest were not served on the petitioner, the arrest stands vitiated for violating Article 22(1) of the Constitution of India. In these circumstances, the petitioner is entitled to be released from judicial custody forthwith.

ORDER

- i. Accordingly, petition is allowed.
- ii. The 2nd respondent is hereby directed to release the petitioner from judicial custody forthwith in relation to Crime No.121/2024 on the file of Civil Judge and JMFC, N.R.Pura in C.C.No.267/2025 forthwith, subject to the following conditions;
 - a) The petitioner/accused shall furnish indemnity bond for a sum of Rs.1 lakh with one surety for the likesum to the satisfaction of the jurisdictional Court;
 - b) He shall appear before the Trial Court as and when required;
 - c) He shall not threaten or allure the prosecution witnesses in whatsoever manner;
 - d) He shall not get involved in similar offences;
 - e) He shall not leave the territorial limits of the police station without prior permission of the Trial Court.

The Registry is hereby directed to communicate this order to the respondent No.1 and 2, Jail Authorities forthwith without any delay through e-mail and telephonically.