Daily Orders: WP 16371/2025

1	S.R.KRISHNA KUMAR	12/06/2025

W.P.No.16371/2025 is filed by the sole petitioner Mr.Nikhil Sosale for a declaration that the arrest of the petitioner on 06.06.2025 is illegal, arbitrary and without jurisdiction, being violative of Articles 19 and 21 of the Constitution of India and for a consequential direction to release him from the custody of respondent and for other reliefs.
2. By way of interim prayer, petitioner seeks stay of his arrest and for a direction to release the petitioner from the custody of the respondent-police and for other reliefs.
3. W.P.No.16469/2025 is filed by three petitioners viz., Mr.Sunil Mathew, Mr.Kiran Kumar and Mr.Shamanth also for declaration that their arrest on 06.06.2025 is illegal, arbitrary and without jurisdiction, being violative of Articles 19 and 21 of the Constitution of India and for a consequential direction to release the petitioners from custody of the respondent. Petitioners have also sought for quashing of the impugned FIR bearing Crime No.123/2025 dated 05.06.2025 registered by the 1st respondent for alleged offences punishable under Sections 105, 115(2), 118(1), 118(2) r/w. Sections 3(5), 190, 132, 125(a) and 125(b) of BNS, 2023 and for other reliefs.
4. By way of interim prayer, petitioners seek a direction to release them from the custody of the respondent-Police and for other reliefs.
5. Brief facts giving rise to the present petitions are as under:
In pursuance to the subject stampede incident that occurred on 04.06.2025, the respondent-Police registered FIRs in Crime Nos.123/2025, 124/2025 and 125/2025 on 05.06.2025 between 11:15 a.m. to 2:30 p.m., against three accused persons viz., RCB Franchise, Bangalore – accused No.1, DNA Entertainment Private Limited – accused No.2 and KSCA, Administrative Committee – accused No.3 for the offences punishable under Sections 105, 115(2), 118(1), 118(2) r/w. Sections 3(5), 190, 132, 125(a) and 125(b) of BNS, 2023.
5.1 The petitioner in W.P.No.16371/2025 is the head of Marketing and Revenue of RCB – accused No.1 in the aforesaid FIRs.
5.2 Petitioner No.1 in W.P.No.16469/2025 is one of the Directors of DNA Networks – accused No.2, while petitioner No.2 is the Manager - operations of the said Company and petitioner No.3 is a free lancer, who was engaged for specific events on contract basis and is not an employee of the said Company.
5.3 It is contended that Sri. Nikhil Sosale, petitioner in W.P.No.16371/2025 was arrested by the CCB Police on 06.06.2025 at 3:30 a.m. at the Kempegowda International Airport and produced before the Cubbon Park Police Station at 4:30 a.m. So also, Sri. Sunil Mathew and Sri. Kiran Kumar, petitioner Nos.1 and 2 in W.P.No.16469/2025 were said to be arrested by the CCB Police on 06.06.2025 at 3:00 a.m. near M.V.J. Hospital, Hoskote and produced before the Cubbon Park Police Station at 4:50 a.m. and that petitioner No.3 was said to be arrested at 3:00 a.m. at his residence in R.T. Nagar and produced before the Cubbon Park Police Station at 5:00 a.m.
5.4 At around 5:30 p.m., on 06.06.2025 the petitioners were produced before the learned Magistrate and an application seeking their remand was filed by the respondents, pursuant to which, all the petitioners were remanded to Judicial Custody for a period of 14 days from 06.06.2025 to 19.06.2025. Aggrieved by their impugned arrest and consequent remand, petitioners are before this Court by way of the present petitions.
6. Heard learned Senior counsel for the petitioners and learned Advocate General for the respondents – State and perused the material on record.
7. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned Senior counsel for the petitioners jointly submit that the investigation was transferred to the CID police on 05.06.2025 itself prior to the impugned arrest and the CCB police was illegal and without jurisdiction, power or authority of law which would vitiate the impugned arrest. It was submitted that the arrest of the petitioners was not carried out or done in pursuance of the FIRs but the same was actually done pursuant to the directions issued by the Hon'ble Chief Minister in the Press meet held by him at 9 p.m. on 05.06.2025. It was further submitted that prior to the impugned arrest, the Investigating Officer i.e., CID did not conduct investigation so as to justify the arrest of the petitioners. Learned Senior counsel would elaborate their contentions and submit that at the time of causing arrest of the petitioners, the Investigating Officer had not furnished the mandatory documents as required in law so as to safeguard the rights of the arrestees, whose arrest is vitiated on this ground also. It was submitted that once the investigation had been transferred to the CID, neither the CCB nor the Cubbon park police or the Ashoknagar Police were entitled to arrest the petitioners, who are entitled to be released on bail. Lastly, it was submitted that there is a difference between the power to arrest and the justification to cause any arrest and in the absence of the petitioners being named in the FIRs and without there being investigation carried out prior to their arrest so as to incriminate the petitioners for the alleged offences, the impugned arrest of the petitioners deserves to be quashed. In support of their submissions, learned Senior counsel placed reliance upon the following judgments:-
i. K.Chandrashekhar v. State of Kerala, (1998) 5 SCC 223;
ii. Mekala Madhusudhan Reddy v. Director General of Police, 2020 SCC Online AP 964;
iii. Srinath Mangalore & Ors v. State of Karnataka, Writ Petition No.26160/2013 (GM-RES, High Court of Karnataka);
iv. Siddharth v. State of Uttar Pradesh, Criminal Appeal No.838 of 2021, Supreme Court of India;
v. Mohd. Zubair.v. State (NCT of Delhi, (2023) 16 SCC 764;
vi. Gagan.v. State (NCT of Delhi), 2025 SCC Online Del 1299;
vii. Dandu Ganapathi Srinivasa & Ors v. The Station House Officer, Gopalapatnam P.S., Crl. M.P./590/2025, Crl. M.P. 597/2025 & Crl.M.P. 595/2025, Principal Session Judge, Vishakhapatnam;
viii. Joginder Kumar v. State of U.P., (1994) 4 SCC 260;
ix. Vineet Narain v. Union of India, (1998) 1 SCC 226;
x. M.C. Abraham v. State of Maharashtra, (2003) 2 SCC 649;
xi. Manohar Lal Sharma v. Prinicpal Secy., (2014) 2 SCC 532;
xii. Vishwanath Biradar v. Deepika & Ors, Special Leave to Appeal (Crl.) No. 4123 of 2021;
xiii. Directorate of Enforcement vs. Deepak Mahajan and Another (1994) 3 SCC 440.

8. Per contra, learned Advocate General would reiterate various contentions urged in the statement of objections and submits that the petitions are not maintainable and the question of granting any relief by way of interim release / bail in favour of the petitioners would not arise in the facts and circumstances of the instant case, especially when the prayer for interim relief and the main prayer are one and the same and granting interim relief would amount to granting the main prayer itself. It was submitted that in the present petition filed under Article 226 of the Constitution of India r/w Section 528 BNSS, 2023 and Section 482 Cr.P.C., it was impermissible to issue blanket directions to release an accused in custody whose remedy is by way of filing an appropriate bail application and not by way of the present petition. It was also submitted that though the investigation was transferred to the CID by the State

Government on 05.06.2025, it was only on 06.06.2025, subsequent to the arrest of the petitioners that the investigation was handed over to the CID and not prior to the arrest of the petitioners and the Cubbon Park Police Station continued to carry on investigation and deputed the CCB police to apprehend the petitioners, who were about to leave the jurisdiction and hand over the same to Cubbon Park Police for the purpose of arrest subsequently. It was also submitted that all the petitioners were arrested by the Cubbon Park Police station between 4.30 a.m. and 5 a.m. after following due process and providing all necessary documents including grounds of arrest, which clearly indicate that it was absolutely essential to arrest the petitioners by following the guidelines of the Apex Court in the case of D.K.Basu vs. State of West Bengal – (1997) 1 SCC 416.

8.1 Learned Advocate General would also submit that the RCB – accused No.1 and the DNA – accused No.2 were the organizers of the subject event and the petitioners being their top officials are guilty of the offences and cannot claim immunity or evade responsibility for the incident that took place on 04.06.2025. It was also submitted that even assuming that the arrest of the petitioners was illegal, the only remedy available to the petitioners was by filing a petition for Habeas Corpus and that the present petitions are not maintainable. It was therefore submitted that the petitioners are not entitled to any relief in the present petitions which are liable to be rejected. In support of his contentions, learned Advocate General relied upon the following judgments:-

i. Neeharika Infrastructure (P0 Ltd., v. State of Maharashtra, (2021) 19 SCC 401;
ii. Siddharth Mukesh Bhandari v. State of Gujaraj, (2022) 10 SCC 530;
iii. Hamida v. Rahid, (2008) 1 SCC 474
iv. State of Telangana v. Habib Abdullah Jeelani, (2017) 2 SCC 77;
v. Ravuri Krishna Murthy v. State of Telangana, (2021) 19 SCC 458;
vi. Priyanka Yadav v. State of Uttar Pradesh & Ors., Criminal Appeal No. 292 of 2022;
vii. Sushil Ansal v. State (2014) 6 SCC 173;
viii. Chaitali Tiwari v. State of W.B., 2023 SCC Online Cal 394;
ix. Sanjay Gupta v. State of Uttar Pradesh, (2022) 7 SCC 203;
x. Gautham Navlakha v. National Investigation Agency, 2021 INSC 295;
xi. Prabir Purkayastha v. State (NCT of Delhi0, 2024 INSC 414;
xii. D.K. Basu.v. State of West Bengal, 1997 (1) SCC 416;
xiii. Auroville Foundation vs. Natasha Storey 2025 SCC Online 556;
xiv Ram Kishor Arora vs. Directorate of Enforcement (2024) 7 SCC 599.

9. I have given my anxious consideration to the rival submissions and perused the material on record.

10. Before adverting to the rival contentions, it would be necessary to notice that the petitioners were arrested by the respondents by exercising powers to Section 35(1)(c) of BNSS, 2023 (old Section 41(1)(ba) of Cr.P.C.) which reads as under:-

35. When police may arrest without warrant.

(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person-

(c) against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine or with death sentence and the police officer has reason to believe on the basis of that information that such person has committed the said offence; or

11. A plain reading of the aforesaid provision will indicate that it is only upon receipt of credible information that a person has committed a cognizable offence punishable with imprisonment for a term in excess of seven years and the police officer has reason to believe that on the basis of that information that such person has committed the said offence that he can be arrested; it is clear that before arresting the petitioners, it was incumbent upon the respondent – Police to comply / fulfill with the twin / dual requirement mandated in the said provision viz., (i) receipt of credible information and (ii) recording of reasons to believe before proceeding to arrest the petitioners. In the instant case, it is an undisputed fact that the petitioners were not named as accused persons in the subject FIRs, in which, RCB was arraigned as accused No.1, DNA as accused No.2 and KSCA as accused No.3; it is also not in dispute that the sole petitioner in W.P.No.16371/2025 is the Head of Marketing and Revenue of RCB – accused No.1, while petitioners 1 and 2 in W.P.No.16469/2025 are Director and Manager of Operations of DNA – accused No.2; in fact, petitioner No.3 is a free lancer engaged for specific events on contract basis by DNA and is not even an employee of the company.

12. The aforesaid facts and circumstances clearly indicate that before proceeding to arrest the petitioners, it was absolutely essential for the respondent Police to receive credible information that the petitioners had committed a cognizable offence punishable with imprisonment for more than seven years and the respondents should have also recorded reasons to believe in writing on the basis of the said credible information that the petitioners had committed the alleged offences. However, the material on record clearly establishes that the subject FIRs having been registered between 11.15 a.m. to 2.30 p.m. on 05.06.2025 and the petitioners having been arrested between 3.30 a.m. and 4.00 a.m. on 06.06.2025 (according to the petitioners) or between 04.30 a.m. and 05.00 a.m. (according to respondents), it was absolutely essential and incumbent upon the respondents to fulfill, satisfy and comply with the dual / twin requirement contemplated under Section 35(1)(c) of BNSS, 2023 prior to their arrest; in the instant case, the respondents have neither conducted any investigation nor placed any material to establish that subsequent to registration of the FIRs and prior to the petitioners being arrested that they had received credible information of commission of the offence by the petitioners and that they had reasons to believe on the basis of any such information that the petitioners had committed the alleged offences; as stated supra, the petitioners have not been arraigned as accused persons in the subject FIRs and it is only the entities / companies i.e., RCB and DNA that are arraigned as accused Nos. 1 and 2 without specifically naming the petitioners as accused persons; further, the details of the role played by the petitioners, their involvement in the incident in question or the alleged offences and their participation or commission of the offences are conspicuously absent and not forthcoming by any material placed by the respondents or investigation conducted by them subsequent to the FIRs and prior to their arrest. It is therefore clear that in the absence of compliance of the mandatory requirements of Section 35(1)(c) BNSS, 2023 and any material to incriminate the petitioners for the alleged offences, the impugned arrest of the petitioners is clearly contrary to law and facts and prima facieillegal and arbitrary and the petitioners are entitled to interim bail in the present petitions.

13. According to the respondents, they caused the arrest of the petitioners since they were holding top positions in RCB and DNA and were therefore responsible for the alleged offences; the said contention cannot be accepted in

the light of the undisputed fact that there is no material whatsoever to show the proximate cause or a live nexus between the petitioners who were mere employees / Directors / officials of RCB and DNA and in the absence of any material to establish their culpability for the commission of the offences, prior to their arrest, the mere fact that they were employees / Directors / officials could not have been made the basis by the respondents to arrest the petitioners, who would be entitled to be released on interim bail.

14. The respondents contend that in the grounds of arrest furnished to the petitioners in writing, the respondents have spelt out in detail the reasons and grounds as to why they were arrested which was sufficient to justify the arrest of the petitioners. In this context, a perusal of the alleged reasons and grounds for arrest will indicate that having described the petitioner in W.P.No.16371/2025 as the RCB Marketing and Revenue Head, the respondents erroneously state at paragraph-3 that he held the position of Vice President and Director of RCB team's DNA Entertainment Pvt. Ltd., which is completely and factually incorrect; having said so, respondents further incorrectly state that he did not obtain permission from the competent authority and failed to manage the event thereby being responsible for the death and injuries caused to the public. In this regard, a perusal of all the reasons and grounds for arrest will indicate that the same pertain to the company, RCB of which, the petitioner was merely a Marketing and Revenue head without outlining or detailing his role, involvement and participation in the event and without doing so, respondents were clearly not justified in fastening the liability upon the petitioners for the purpose of arresting him. As stated supra, apart from the fact that the said reasons and grounds for arrest are vague, bald and are directed against RCB and not against the petitioner, there is no other material to justify the impugned arrest, which prima facie deserves to be quashed on this ground also.

15. Insofar as the accused in W.P.No.16469/2025 are concerned, as stated earlier, petitioners 1 and 2 are the Director and the Manager of Operations of DNA, while petitioner No.3 is not even an employee of the company; a perusal of the grounds and reasons for arrest furnished to them also will indicate that the same are verbatim repetition of what was furnished to petitioner in W.P.No.16371/2025; in fact, except changing the name and designation, all the four grounds and reasons for arrest are exactly identical coupled with the fact that the allegations are primarily leveled and directed against RCB and DNA which are undisputedly independent, legal and juristic entities arraigned as accused without arraigning the petitioners in the subject FIRs and in the absence of any other sufficient or corroborative material collected or investigation done by the respondents, the respondents – police were clearly not justified in causing the arrest of the petitioners based on flimsy and untenable reasons which is impermissible in law.

16. It is well settled that existence of the power to arrest is one thing but the justification for its exercise is completely another and the same has to be exercised strictly in accordance with law and especially in conformity and consonance with Section 35(1)(c) of BNSS before causing the arrest of the petitioners as stated supra. In Joginder Kumar's case supra, the Apex Court held as under:-

20. …………No arrest can be made because it is lawful for the police officer to do so. The existence of the power to arrest is one thing. The justification for the exercise of it is quite another. The police officer must be able to justify the arrest apart from his power to do so. Arrest and detention in police lock-up of a person can cause incalculable harm to the reputation and self-esteem of a person. No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. It would be prudent for a police officer in the interest of protection of the constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuineness and bona fides of a complaint and a reasonable belief both as to the person's complicity and even so as to the need to effect arrest. Denying a person of his liberty is a serious matter. The recommendations of the Police Commission merely reflect the constitutional concomitants of the fundamental right to personal liberty and freedom. A person is not liable to arrest merely on the suspicion of complicity in an offence. There must be some reasonable justification in the opinion of the officer effecting the arrest that such arrest is necessary and justified. Except in heinous offences, an arrest must be avoided if a police officer issues notice to person to attend the Station House and not to leave the Station without permission would do'

17. In Mohammed Zubair's case supra, the Apex Court held as under:-

21. Essentially, the allegations against the petitioner pertain to the tweets which have been put out by him. The three notices issued by Police Stations at Hathras Kotwali, Sikandra Rao, and Khairabad under Section 91CrPC are verbatim the same. Having found from the record that the petitioner has been subjected to a sustained investigation by Delhi Police, we find no reason or justification for the deprivation of the liberty of the petitioner to persist any further. Consequently, we are of the view that the petitioner must be released on interim bail in each of the FIRs which forms the subject-matter of these proceedings, under Article 32 of the Constitution. The existence of the power of arrest must be distinguished from the exercise of the power of arrest. The exercise of the power of arrest must be pursued sparingly. In the present case, there is absolutely no justification to keep the petitioner in continued custody any further and to subject him to an endless round of proceedings before diverse courts when the gravamen of the allegations in each of the said FIRs arises out of the tweets which have been put out by the petitioner, and which also form the subject-matter of the investigation being conducted by Delhi Police in FIR No. 172/2022.

31. We once again have occasion to reiterate that the guidelines laid down in Arnesh Kumar [Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 : (2014) 3 SCC (Cri) 449] must be followed, without exception. The raison d'être of the powers of arrest in relation to cognizable offences is laid down in Section 41. Arrest is not meant to be and must not be used as a punitive tool because it results in one of the gravest possible consequences emanating from criminal law : the loss of personal liberty. Individuals must not be punished solely on the basis of allegations, and without a fair trial. When the power to arrest is exercised without application of mind and without due regard to the law, it amounts to an abuse of power. The criminal law and its processes ought not to be instrumentalised as a tool of harassment. Section 41CrPC as well as the safeguards in criminal law exist in recognition of the reality that any criminal proceeding almost inevitably involves the might of the State, with unlimited resources at its disposal, against a lone individual.

18. In Arnesh Kumar's case supra, the Apex Court held as Under:-

6. Law Commissions, Police Commissions and this Court in a large number of judgments emphasised the need to maintain a balance between individual liberty and societal order while exercising the power of arrest. Police officers make arrest as they believe that they possess the power to do so. As the arrest curtails freedom, brings humiliation and casts scars forever, we feel differently. We believe that no arrest should be made only because the offence is

non-bailable and cognizable and therefore, lawful for the police officers to do so. The existence of the power to arrest is one thing, the justification for the exercise of it is quite another. Apart from the power to arrest, the police officers must be able to justify the reasons thereof. No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. It would be prudent and wise for a police officer that no arrest is made without a reasonable satisfaction reached after some investigation as to the genuineness of the allegation. Despite this legal position, the legislature did not find any improvement. Numbers of arrest have not decreased. Ultimately, Parliament had to intervene and on the recommendation of the 177th Report of the Law Commission submitted in the year 2001, Section 41 of the Code of Criminal Procedure (for short “CrPC”), in the present form came to be enacted. It is interesting to note that such a recommendation was made by the Law Commission in its 152nd and 154th Report submitted as back in the year 1994. The value of the proportionality permeates the amendment relating to arrest.
7.3. In pith and core, the police officer before arrest must put a question to himself, why arrest? Is it really required? What purpose it will serve? What object it will achieve? It is only after these questions are addressed and one or the other conditions as enumerated above is satisfied, the power of arrest needs to be exercised. In fine, before arrest first the police officers should have reason to believe on the basis of information and material that the accused has committed the offence. Apart from this, the police officer has to be satisfied further that the arrest is necessary for one or the more purposes envisaged by sub-clauses (a) to (e) of clause (1) of Section 41 CrPC.
11. Our endeavour in this judgment is to ensure that police officers do not arrest the accused unnecessarily and Magistrate do not authorise detention casually and mechanically.

19. In Satender Kumar Antil v. CBI, (2022) 10 SCC 51, the Apex Court held as under:-
23. Section 41 under Chapter V of the Code deals with the arrest of persons. Even for a cognizable offence, an arrest is not mandatory as can be seen from the mandate of this provision. If the officer is satisfied that a person has committed a cognizable offence, punishable with imprisonment for a term which may be less than seven years, or which may extend to the said period, with or without fine, an arrest could only follow when he is satisfied that there is a reason to believe or suspect, that the said person has committed an offence, and there is a necessity for an arrest. Such necessity is drawn to prevent the committing of any further offence, for a proper investigation, and to prevent him/her from either disappearing or tampering with the evidence. He/she can also be arrested to prevent such person from making any inducement, threat, or promise to any person according to the facts, so as to dissuade him from disclosing said facts either to the court or to the police officer. One more ground on which an arrest may be necessary is when his/her presence is required after arrest for production before the court and the same cannot be assured.
25. The consequence of non-compliance with Section 41 shall certainly inure to the benefit of the person suspected of the offence. Resultantly, while considering the application for enlargement on bail, courts will have to satisfy themselves on the due compliance of this provision. Any non-compliance would entitle the accused to a grant of bail.

20. It is pertinent to note that while the petitioner in W.P.No.16371/2025 has challenged his arrest, the petitioners in W.P.No.16469/2025 have also sought for quashment of the subject FIRs in addition to challenging their arrest. As stated supra, the petitioners have not been arraigned or named as accused persons either in their individual capacity or as persons representing RCB or DNA who are arraigned as accused Nos.1 and 2 respectively in the subject FIRs. It is well settled that vicarious liability cannot be fastened upon a person under criminal law unless the same is specifically provided in the statute and the same would not be applicable for offences under IPC / BNS; in the instant case, the respondents have not placed any material to substantiate any correlation or nexus between the actions of the petitioners and the responsibilities / liabilities of the companies i.e., either RCB or DNA. In fact, the details of the various offences under BNS, 2023 as alleged in the subject FIRs are as under:-
(a) Section 105 – culpable homicide not amounting to murder;
(b) Section 115 – voluntarily causing hurt;
(c) Section 118 – voluntarily causing hurt or grievous hurt by dangerous weapons or means;
(d) Section 3(5) – common intention;
(e) Section 190 - unlawful assembly with common object;
(f) Section 132 – assault or criminal force to deter public servant from discharge of duty;
(g) Section 125 – act endangering life or personal safety of others;
21. A perusal of the subject FIRs containing the aforesaid alleged offences will prima facie indicate that the petitioners cannot be charged with offences punishable under Section 115, 118, 190 and 132 of BNS, 2023 referred to supra; so also, it cannot be said prima facie that the petitioners are guilty of culpable homicide as contemplated under Section 105 BNS; insofar as offences alleged under Section 125 of BNS are concerned, it is needless to state that the same are bailable offences carrying maximum punishment of three years or with fine or with both. Under these circumstances also, in the absence of any material to incriminate the petitioners for the aforesaid offences alleged against the entities, RCB and DNA, coupled with the fact that the petitioners are not named in the subject FIRs, I am of the view that the respondents were not justified in causing the arrest of the petitioners without any investigation whatsoever prior to their arrest.
22. A perusal of the material on record will indicate that prior to their arrest, there was absolutely no material except allegations made against RCB and DNA without naming the petitioners or their involvement or active participation in the incident so as to make them vicariously liable for the offences alleged against RCB and DNA; in the case of Sanjay Dutt & others vs. State of Haryana – 2025 INSC 34, while dealing with the vicarious liability of a Directors of a company for offences alleged against the company, the Apex Court held as under:-
11. It appears that the Courts below proceeded on the erroneous assumption that the three appellants herein being responsible officers of the company are liable for the alleged offence. While a company may be held liable for the wrongful acts of its employees, the liability of its directors is not automatic. It depends on specific circumstances, particularly the interplay between the director's personal actions and the company's responsibilities. A director may be vicariously liable only if the company itself is liable in the first place and if such director personally acted in a manner that directly connects their conduct to the company's liability. Mere authorization of an act at the behest of the company or the exercise of a supervisory role over certain actions or activities of the company is not enough to render a director vicariously liable. There must exist something to show that such actions of the director stemmed from their personal involvement and arose from actions or conduct falling outside the scope of its routine corporate

duties. Thus, where the company is the offender, vicarious liability of the Directors cannot be imputed automatically, in the absence of any statutory provision to this effect. There has to be a specific act attributed to the director or any other person allegedly in control and management of the company, to the effect that such a person was responsible for the acts committed by or on behalf of the company.

12. At the same time, wherever by a legal fiction the principle of vicarious liability is attracted and a person who is otherwise not personally involved in the commission of an offence is made liable for the same, it has to be specifically provided in the statute concerned. When it comes to penal provisions, vicarious liability of the managing director and director would arise provided any provision exists in that behalf in the statute. Even where such provision for fastening vicarious liability exists, it does not mean that any and all directors of the company would be automatically liable for any contravention of such statute. Vicarious Liability would arise only if there are specific and substantiated allegations attributing a particular role or conduct to such director, sufficient enough to attract the provisions constituting vicarious liability and by extension the offence itself.

13. It is the cardinal principle of criminal jurisprudence that there is no vicarious liability unless the statute specifically provides so. Thus, an individual who has perpetrated the commission of an offence on behalf of a company can be made an accused, if the statute provides for such liability and if there is sufficient evidence of his active role coupled with criminal intent. The primary responsibility is on the complainant to make specific averments as are required under the law in the complaint so as to make the accused vicariously liable. For fastening criminal liability on an officer of a company, there is no presumption that every officer of a company knows about the transaction in question.

14. The allegations which find place against the appellants herein in their personal capacity seem to be absolutely vague. When a complainant intends to rope in a Managing Director or any officer of a company, it is essential to make requisite allegations to constitute the various liability.

15. When jurisdiction is exercised on a complaint petition filed in terms of Section 156(3) or Section 200 of the CrPC, the Court concerned should remain vigilant & apply its mind carefully before taking cognizance of a complaint of the present nature.

16. The High Court failed to pose unto itself the correct question i.e., as to whether the complaint even if given face value and taken to be correct in its entirety would lead to the conclusion that the appellants herein were personally liable for the offence under Section 4 of the Act, 1900 made punishable under Section 19 of the Act, 1900.

17. In Maharashtra State Electricity Distribution Company Limited v. Datar Switchgear Limited, as reported in (2010) 10 SCC 479, wherein, the Chairman of the Maharashtra State Electricity Board was made an accused for the offence under Sections 192 and 199 respectively read with Section 34 of the IPC, this Court observed thus:

“30. It is trite law that wherever by a legal fiction the principle of vicarious liability is attracted and a person who is otherwise not personally involved in the commission of an offence is made liable for the same, it has to be specifically provided in the statute concerned. In our opinion, neither Section 192 IPC nor Section 199 IPC incorporate the principle of vicarious liability, and therefore, it was incumbent on the complainant to specifically aver the role of each of the accused in the complaint. It would be profitable to extract the following observations made in S.K. Alagh : (SCC p.667, para 19)

“19. As, admittedly, drafts were drawn in the name of the company, even if the appellant was its Managing Director, he cannot be said to have committed an offence under Section 406 of the Penal Code. If and when a statute contemplates creation of such a legal fiction, it provides specifically therefor. In absence of any provision laid down under the statute, a Director of a company or an employee cannot be held to be vicariously liable for any offence committed by the company itself.”

(Emphasis supplied)

18. In such circumstances, referred to above, no case could be said to have been made out for putting the three appellants to trial for the alleged offence. The Court concerned could not have issued process for the alleged offence.

19. In view of the aforesaid, this appeal succeeds and is hereby allowed. The impugned complaint and order taking cognizance of the said complaint is hereby quashed.

23. In the instant case, there is absolutely no material whatsoever to link, connect or correlate the actions of the petitioners with the allegations made against the named companies, RCB and DNA and consequently, the petitioners cannot be held to be prima facie vicariously liable for the offences charged against the companies and on this ground also, the impugned arrest is prima facie illegal and deserves to be quashed.

24. It is the specific contention of the petitioners that much prior to the impugned arrest that took place on 06.06.2025 between 03.00 and 03.30 a.m., the State Government had transferred and handed over the investigation to the CID police authorities on 05.06.2025 itself and consequently, neither the CCB police authorities nor the Cubbon park / Ashok Nagar Police had jurisdiction or authority of law to cause arrest of the petitioners on 06.06.2025; in this context, reliance is placed upon the fax message dated 05.06.2025 sent to the CID bearing No. L&O/6/84/2025, which was submitted to this Court in the suo-moto PIL at 2.30 p.m. on 05.06.2025, in which, statement of facts was filed by the respondents confirming that the investigation had been transferred to the CID. It is therefore contended that having transferred the investigation to the CID on 05.06.2025 itself, the CCB or the Cubbon park / Ashoknagar Police were not entitled to cause the arrest of the petitioners subsequently on 06.06.2025.

25. Per contra, the respondents contend that though the investigation was transferred to the CID on 05.06.2025 itself, the investigation was not handed over to the CID on 05.06.2025 but was retained by the Cubbon park / Ashoknagar Police till 06.06.2025 and the same was handed over to the CID only subsequent to the arrest which was permissible to have been caused / done by the Cubbon park / Ashoknagar police. In this context, it is relevant to refer to the aforesaid fax message dated 05.06.2025, which is as under:-

Fax Message

From: Police Bangalore

To: 1) Director General of Police, C.I. D., Special Units & Economic Offences, Bangalore.

2) The Commissioner of Police, Bangalore City.

………………………………………………………………………………

No. L&O/6/84/2025 Date: 5/06/2025

………………………………………………………………………………

The two cases registered in Bangalore City Cubbon Park Police Crime No.0123/2025 u/s 105, 115(2), 118 (1), 118 (2) BNS 2023 r/w 3(5), 190, 1 (a), 125 (b) and Crime No.0124/2025 u/s 125(a) BNS 2023 are transferred to further investigation with immediate effect. The case files should be handed CID for further investigation, forthwith.
The Commissioner of Police, Bangalore City is directed to send the with concerned I.O to handover personally to the Investigation Officer in CID.
The Director of Police, C.I.D., Special Units and Economic Offences, Bangalore may please arrange to take up further investigation. After the c of the investigation of the case, a detailed report may be sent to this office.
…………………………………………………………………………………
Approved by
DG & IGP (R. HITHENDRA, IPS)
for Director General
Inspector General of Police
Karnataka State, Bengaluru.

To: The Police Inspector, I/c of DGP Control Room, Bangalore for immediate transmission.

26. A perusal of the aforesaid document will clearly indicate that the investigation has been transferred to the CID with "immediate effect" and a direction is issued to hand over the case files to the CID for further investigation "forthwith". The said fax message also directs the Police Commissioner to send the case files with the concerned I.O. to hand over personally to the Investigation Officer in CID.
27. The aforesaid undisputed fax message dated 05.06.2025 which was placed by the respondents before this Court at 2.30 p.m. on 05.06.2025 itself along with a statement of facts filed to this Court confirming that the investigation had in fact, been transferred to the CID by that time is sufficient to come to the conclusion that subsequent to the same, it was only the CID which could have continued the investigation including causing arrest thereby leading to the sole inference that the subsequent arrest of the petitioners by the Cubbon park / Ashoknagar Police on 06.06.2025 between 03.00 and 05.00 a.m. was prima facie illegal and without jurisdiction or authority of law which is yet another circumstance which would vitiate the impugned arrest.
28. The respondents placed reliance upon Memo issued by the DIGP, CID dated 06.06.2025 in order to contend that the investigation was handed over to them only on 06.06.2025 though the same was transferred on 05.06.2025 itself; however, a perusal of the said Memo dated 06.06.2025 will indicate that the same merely speaks about internal arrangement done by the CID for distribution of work; the said Memo does not state anywhere that the investigation was handed over on 06.06.2025 and as such, in the light of the specific, categorical and undisputed directions issued in the fax message on 05.06.2025 itself directing investigation to be transferred forthwith and immediately, it cannot be said prima faciethat the investigation was handed over only on 06.06.2025 as contended by the respondents, thereby leading to the sole conclusion that it was only the CID police which was entitled to investigate and cause arrest of the petitioners.
29. The respondents have also placed reliance upon the State Government Circular dated 17.10.2015 in order to contend that though investigation was transferred on 05.06.2025, the investigation was handed over to the CID on 06.06.2025 in terms of the said Circular; a perusal of the said Circular regarding transfer and handing over of investigation to the CID would not be applicable to cases where investigation is transferred at the instance and upon the directions of the State Government as is clear from paragraph-2 of the said Circular, which specifically states that wherever the State Government directs / orders, the investigation would straightaway be taken over the CID and paragraph-3 was applicable to all other cases excluding cases where investigation was transferred by the State Government and as such, even this contention of the respondents cannot be accepted.
30. Respondents also placed reliance upon the State Government Circular dated 14.02.2018 in order to contend that till CID took over investigation, the same continued with the Cubbon park / Ashoknagar police; the said Circular reads as under:-
Government of Karnataka
(Police Department)

No.CRM-3/52/2018 Office of the
Director General and
Inspector General of Police
Nrupathunga Road, Bengaluru – 01.
Dated: 02.2018.

CIRCULAR
SUB: Incomplete documentation of Criminal Cases while
Handing over to CID for further investigation – reg.

REF: Letter No. 01/PS/DGP/CID/2018 Dt: 03.02.2018 of DGP, CID

As you are aware, many crime cases are handed over to CID for further investigation by DG & IGP and Government for various reasons. It is observed that while handing over the case file to CID officials, the investigation officers send the case files with incomplete documentation Incomplete documentation as well as lapses in Initial Investigation adversely impact on the possibility of getting conviction in the case. following instructions should be scrupulously followed by all investigation officers as well as unit officers while handing over case files to officers:-
1) Till CID officers take over investigation of the case, investigation officers should continue investigation espe regard to mandatory provisions like post-mortem recording of 164 statements, search & seizure mahazars, etc.
2) Before case file is handed over, all case diaries should and all investigation papers should be in order.
3) District SsP/jurisdictional DCPs should scrutinize the case files and ensure that file is complete in all respect and documentation work has been completed.
4) A summary of investigation done so far should be prepared and submitted along with the case file.
5) Local police officers should assist the CID Investigation officer wherever required.
These instructions should be followed in all cases where investigation handed over to CID or any other agency.

Failure to comply w instructions shall be noted adversely. Unit Officers should acknowledge receipt of this circular..

(NEELMANI N)
Director General and
Inspector General of Police
Karnataka

31. A perusal of the aforesaid Circular clearly indicates that the same was applicable only to the cases where there was incomplete documentation by the local investigation officers who have been directed to continue investigation in relation to mandatory provisions like post-mortem examination, recording of 164 statements, search and seizure mahazars etc., and it cannot be said that the said Circular would either be applicable to the instant transfer of the investigation to the CID by the State Government nor would empower or authorise the Cubbon park / Ashoknagar Police to investigate, much less cause arrest of the petitioners which is vitiated on this ground also.

32. According to the petitioners, they were arrested by the CCB Police between 03.00 and 03.30 a.m. on 06.06.2025 at the respective places referred to supra; per contra, respondents contend that the CCB police were deputed by the DCP who was in charge of both Cubbon park and Ashoknagar police stations to merely apprehend the petitioners between 03.00 and 03.30 a.m. and the actual arrest of the petitioners was caused by the Cubbon park police between 04.30 and 05.00 a.m. and that mere apprehension would not amount to arrest. In this context, it is relevant to state that in many documents, in particular, the remand application, arrest memo, arrest intimation etc., the respondents themselves have stated that the petitioners had been arrested at their respective places prior to them being brought to the Cubbon park police station. It is also significant to note that it is an undisputed fact that the petitioners were physically apprehended by the CCB police albeit earlier from their respective places thereby restraining and preventing their personal liberty and were taken by the CCB police directly to the Cubbon park police station. In the case of Directorate of Enforcement vs. Deepak Mahajan's case supra, the Apex Court held as under:-

46. The word 'arrest' is derived from the French word 'Arreter' meaning "to stop or stay" and signifies a restraint of the person. Lexicologically, the meaning of the word 'arrest' is given in various dictionaries depending upon the circumstances in which the said expression is used. One of us, (S. Ratnavel Pandian, J. as he then was being the Judge of the High Court of Madras) in Roshan Beevi v. Joint Secretary, Government of T.N. [1984 Cri LJ 134 : (1984) 15 ELT 289 : 1983 MLW (Cri) 289 (Mad)] had an occasion to go into the gamut of the meaning of the word 'arrest' with reference to various textbooks and dictionaries, the New Encyclopaedia Britannica, Halsbury's Laws of England, A Dictionary of Law by L.B. Curzon, Black's Law Dictionary and Words and Phrases. On the basis of the meaning given in those textbooks and lexicons, it has been held that:

"[T]he word 'arrest' when used in its ordinary and natural sense, means the apprehension or restraint or the deprivation of one's personal liberty. The question whether the person is under arrest or not, depends not on the legality of the arrest, but on whether he has been deprived of his personal liberty to go where he pleases. When used in the legal sense in the procedure connected with criminal offences, an arrest consists in the taking into custody of another person under authority empowered by law, for the purpose of holding or detaining him to answer a criminal charge or of preventing the commission of a criminal offence. The essential elements to constitute an arrest in the above sense are that there must be an intent to arrest under the authority, accompanied by a seizure or detention of the person in the manner known to law, which is so understood by the person arrested."

33. The aforesaid facts and circumstances and the material on record will prima facie indicate that the petitioners had been deprived of their personal liberty by the CCB police themselves who directly took the petitioners to the Cubbon park police station immediately thereafter, coupled with the documents maintained by the respondents themselves stating that the petitioners had been taken into custody by the CCB thereby indicating that the arrest of the petitioners was caused by the CCB who did not have any jurisdiction or authority of law to cause the arrest of the petitioners which stands vitiated on this ground also.

34. The petitioners specifically contended that though the subject FIRs do not specifically name or arraign the petitioners as accused persons either in their individual capacity or on behalf of RCB or DNA, the petitioners were arrested pursuant to directions issued by the Hon'ble Chief Minister in the Press meet held at around 09.00 p.m. on 05.06.2025; in this regard, the respondents do not specifically deny the said contention in their statement of objections and there is only a vague and evasive denial at paragraphs- 38 to 40; in fact, petitioners have produced the press reports in this regard also, thereby indicating prima facie that it was impermissible for the respondents to cause the arrest of the petitioners pursuant to directions issued by the Hon'ble Chief Minister.

35. In the case of Vineet Narain's case supra, the Apex Court held as under-

39. There can be no doubt that the overall administration of the said force, i.e., CBI vests in the Central Government, which also includes, by virtue of Section 3, the power to specify the offences or class of offences which are to be investigated by it. The general superintendence over the functioning of the Department and specification of the offences which are to be investigated by the agency is not the same as and would not include within it the control of the initiation and the actual process of investigation, i.e., direction. Once the CBI is empowered to investigate an offence generally by its specification under Section 3, the process of investigation, including its initiation, is to be governed by the statutory provisions which provide for the initiation and manner of investigation of the offence. This is not an area which can be included within the meaning of "superintendence" in Section 4(1).

40. It is, therefore, the notification made by the Central Government under Section 3 which confers and determines the jurisdiction of the CBI to investigate an offence; and once that jurisdiction is attracted by virtue of the notification under Section 3, the actual investigation is to be governed by the statutory provisions under the general law applicable to such investigations. This appears to us the proper construction of Section 4(1) in the context, and it is in harmony with the scheme of the Act, and Section 3 in particular. The word "superintendence" in Section 4(1) cannot be construed in a wider sense to permit supervision of the actual investigation of an offence by the CBI contrary to the manner provided by the statutory provisions. The broad proposition urged on behalf of the Union of India that it can issue any directive to the CBI to curtail or inhibit its jurisdiction to investigate an offence specified in the notification issued under Section 3 by a directive under Section 4(1) of the Act cannot be accepted. The jurisdiction of the CBI to investigate an offence is to be determined with reference to the notification issued under Section 3 and not by any separate order not having that character.

42. Once the jurisdiction is conferred on the CBI to investigate an offence by virtue of notification under Section 3 of

the Act, the powers of investigation are governed by the statutory provisions and they cannot be estopped or curtailed by any executive instruction issued under Section 4(1) thereof. This result follows from the fact that conferment of jurisdiction is under Section 3 of the Act and exercise of powers of investigation is by virtue of the statutory provisions governing investigation of offences. It is settled that statutory jurisdiction cannot be subject to executive control.

36. So also in M.C Abraham's case supra, the Apex Court held as under-
14. Tested in the light of the principles aforesaid, the impugned orders dated 10-1-2002 and 11-1-2002 must be held to be orders passed by overstepping the parameters of judicial interference in such matters. In the first place, arrest of an accused is a part of the investigation and is within the discretion of the investigating officer. Section 41 of the Code of Criminal Procedure provides for arrest by a police officer without an order from a Magistrate and without a warrant. The section gives discretion to the police officer who may, without an order from a Magistrate and even without a warrant, arrest any person in the situations enumerated in that section. It is open to him, in the course of investigation, to arrest any person who has been concerned with any cognizable offence or against whom reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned. Obviously, he is not expected to act in a mechanical manner and in all cases to arrest the accused as soon as the report is lodged. In appropriate cases, after some investigation, the investigating officer may make up his mind as to whether it is necessary to arrest the accused person. At that stage the court has no role to play. Since the power is discretionary, a police officer is not always bound to arrest an accused even if the allegation against him is of having committed a cognizable offence. Since an arrest is in the nature of an encroachment on the liberty of the subject and does affect the reputation and status of the citizen, the power has to be cautiously exercised. It depends inter alia upon the nature of the offence alleged and the type of persons who are accused of having committed the cognizable offence. Obviously, the power has to be exercised with caution and circumspection.
15. In the instant case the appellants had not been arrested. It appears that the result of the investigation showed that no amount had been defalcated. We are here not concerned with the correctness of the conclusion that the investigating officer may have reached. What is, however, significant is that the investigating officer did not consider it necessary, having regard to all the facts and circumstances of the case, to arrest the accused. In such a case there was no justification for the High Court to direct the State to arrest the appellants against whom the first information report was lodged, as it amounted to unjustified interference in the investigation of the case. The mere fact that the bail applications of some of the appellants had been rejected is no ground for directing their immediate arrest. In the very nature of things, a person may move the court on mere apprehension that he may be arrested. The court may or may not grant anticipatory bail depending upon the facts and circumstances of the case and the material placed before the court. There may, however, be cases where the application for grant of anticipatory bail may be rejected and ultimately, after investigation, the said person may not be put up for trial as no material is disclosed against him in the course of investigation. The High Court proceeded on the assumption that since petitions for anticipatory bail had been rejected, there was no option open for the State but to arrest those persons. This assumption, to our mind, is erroneous. A person whose petition for grant of anticipatory bail has been rejected may or may not be arrested by the investigating officer depending upon the facts and circumstances of the case, nature of the offence, the background of the accused, the facts disclosed in the course of investigation and other relevant considerations.
17. The principle, therefore, is well settled that it is for the investigating agency to submit a report to the Magistrate after full and complete investigation. The investigating agency may submit a report finding the allegations substantiated. It is also open to the investigating agency to submit a report finding no material to support the allegations made in the first information report. It is open to the Magistrate concerned to accept the report or to order further enquiry. But what is clear is that the Magistrate cannot direct the investigating agency to submit a report that is in accord with his views. Even in a case where a report is submitted by the investigating agency finding that no case is made out for prosecution, it is open to the Magistrate to disagree with the report and to take cognizance, but what he cannot do is to direct the investigating agency to submit a report to the effect that the allegations have been supported by the material collected during the course of investigation.

37. In Manohar Lal Sharma's case supra, the Apex Court held as under:-
24. In the criminal justice system the investigation of an offence is the domain of the police. The power to investigate into the cognizable offences by the police officer is ordinarily not impinged by any fetters. However, such power has to be exercised consistent with the statutory provisions and for legitimate purpose. The courts ordinarily do not interfere in the matters of investigation by police, particularly, when the facts and circumstances do not indicate that the investigating officer is not functioning bona fide. In very exceptional cases, however, where the court finds that the police officer has exercised his investigatory powers in breach of the statutory provision putting the personal liberty and/or the property of the citizen in jeopardy by illegal and improper use of the power or there is abuse of the investigatory power and process by the police officer or the investigation by the police is found to be not bona fide or the investigation is tainted with animosity, the court may intervene to protect the personal and/or property rights of the citizens.
25.Lord Denning [The Due Process of Law, First Indian Reprint 1993, p. 102.] has described the role of the police thus:
"In safeguarding our freedoms, the police play a vital role. Society for its defence needs a well-led, well-trained and well-disciplined force of police whom it can trust : and enough of them to be able to prevent crime before it happens, or if it does happen, to detect it and bring the accused to justice.
The police, of course, must act properly. They must obey the rules of right conduct. They must not extort confessions by threats or promises. They must not search a man's house without authority. They must not use more force than the occasion warrants."
26. One of the responsibilities of the police is protection of life, liberty and property of citizens. The investigation of offences is one of the important duties the police has to perform. The aim of investigation is ultimately to search for truth and bring the offender to book.
27. Section 2(h) of the Code of Criminal Procedure (for short "the Code") defines investigation to include all the proceedings under the Code for collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by the Magistrate in this behalf.

28. In H.N. Rishbud [H.N. Rishbud v. State of Delhi, AIR 1955 SC 196 : 1955 Cri LJ 526] this Court explained that the investigation generally consists of the following steps : (AIR p. 201, para 5)
(1) Proceeding to the spot;
(2) ascertainment of the facts and circumstances of the case;
(3) discovery and arrest of the suspected offender;
(4) collection of evidence relating to the commission of the offence which may consist of the examination of:
(a) various persons (including the accused) and the reduction of statement into writing, if the officer thinks fit;
(b) the search of places and seizure of things, considered necessary for the investigation and to be produced at the trial;
(5) formation of the opinion as to whether on the materials collected, there is a case to place the accused before a Magistrate for trial, if so, take the necessary steps for the same for filing necessary charge-sheet under Section 173 CrPC.
33. A proper investigation into crime is one of the essentials of the criminal justice system and an integral facet of rule of law. The investigation by the police under the Code has to be fair, impartial and uninfluenced by external influences. Where investigation into crime is handled by CBI under the DSPE Act, the same principles apply and CBI as an investigating agency is supposed to discharge its responsibility with competence, promptness, fairness and uninfluenced and unhindered by external influences.

38. Recently, the Apex Court in Vishwanath's case supra, held as under:-
The present Special Leave Petition is directed against an order passed by the High Court of Karnataka on 24.05.2021, whereby the anticipatory bail granted to the petitioner by VI Additional District and Sessions Judge, Dakshina Kannada, Mangaluru was quashed for the offences under Section 323 and Section 376 of IPC. The investigations were transferred to Corps of Detectives (COD) and that the Investigation Agency was directed to submit a final report not later than four months from the date of the order. There is another direction issued by the High Court which reads as under:
"The Investigating Officer is directed to take the accused into custody and produce him before the concerned jurisdictional Court."
We find that such direction to take the accused into custody is to beyond the jurisdiction of the High Court. Whether an accused is liable to be arrested is based upon the decision of the Investigating Officer depending upon the material collected during the investigation which may be conducted in a particular crime. It is for the Investigation Agency to whom the investigation has been entrusted to take a call as to when the petitioner is to be arrested. Therefore, the condition No.3 in the impugned order dated 24.05.2021 is set aside and quashed.
With the above observations and directions, the Special Leave Petition is disposed of. It is open to the Investigating Officer to take a call as to when the petitioner is to be arrested or he is not to be arrested. Pending application(s), if any, shall stand disposed of.
39. It is well settled that grounds of arrest have to be mandatorily furnished to a person at the time of his arrest as held in Vihaan kumar's case supra, wherein it was held as under:-
Therefore, as far as Article 22(1) is concerned, compliance can be made by communicating sufficient knowledge of the basic facts constituting the grounds of arrest to the person arrested. The grounds should be effectively and fully communicated to the arrestee in the manner in which he will fully understand the same. Therefore, it follows that the grounds of arrest must be informed in a language which the arrestee understands. That is how, in the case of Pankaj Bansal, this Court held that the mode of conveying the grounds of arrest must necessarily be meaningful so as to serve the intended purpose. However, under Article 22(1), there is no requirement of communicating the grounds of arrest in writing. Article 22(1) also incorporates the right of every person arrested to consult an advocate of his choice and the right to be defended by an advocate. If the grounds of arrest are not communicated to the arrestee, as soon as may be, he will not be able to effectively exercise the right to consult an advocate. This requirement incorporated in Article 22(1) also ensures that the grounds for arresting the person without a warrant exist. Once a person is arrested, his right to liberty under Article 21 is curtailed. When such an important fundamental right is curtailed, it is necessary that the person concerned must understand on what grounds he has been arrested. That is why the mode of conveying information of the grounds must be meaningful so as to serve the objects stated above.
14. Thus, 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 may be after the arrest, it would amount to a violation of the fundamental right of the arrestee guaranteed under Article 22(1). It will also amount to depriving the arrestee of his liberty. The reason is that, as provided in Article 21, no person can be deprived of his liberty except in accordance with the procedure established by law. The procedure established by law also includes what is provided in Article 22(1). Therefore, when a person is arrested without a warrant, and the grounds of arrest are not informed to him, as soon as may be, after the arrest, it will amount to a violation of his fundamental right guaranteed under Article 21 as well. In a given case, if the mandate of Article 22 is not followed while arresting a person or after arresting a person, it will also violate fundamental right to liberty guaranteed under Article 21, and the arrest will be rendered illegal. On the failure to comply with the requirement of informing grounds of arrest as soon as may be after the arrest, the arrest is vitiated. Once the arrest is held to be vitiated, the person arrested cannot remain in custody even for a second.

40. In this context, petitioners contend that the grounds of arrest were communicated to them only at 02.30 p.m. on 06.06.2025 and not earlier at the time of their arrest and after almost 10-11 hours of their arrest. Though the respondents would deny the said contention, a prima facie perusal of the grounds of arrest themselves which have been signed by the petitioners and their counsel along with the time being shown at 02.30 p.m. would clearly indicate that there was a delay of about 10-11 hours in furnishing the grounds of arrest to the petitioners. Further, no explanation whatsoever is offered by the respondents for the delay in furnishing the grounds of arrest and consequently, in the light of the provisions contained in Article 22(1) of the Constitution of India and Sections 47 and 48 of BNSS, 2023, I am of the view that the arrest of the petitioners would stand vitiated on this ground also.
41. In D.K.Basu's case supra, the Apex Court issued the following guidelines regarding arrest;
35. We, therefore, consider it appropriate to issue the following requirements to be followed in all cases of arrest or

detention till legal provisions are made in that behalf as preventive measures:
(1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.
(2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.
(3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
(4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
(5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.
(6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.
(7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The “Inspection Memo” must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.
(8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all tehsils and districts as well.
(9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the Illaqa Magistrate for his record.
(10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
(11) A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.

42. A perusal of the material on record would indicate that at the time of causing arrest of the petitioners the investigating officer has not furnished the required checklist/mandatory documents such as arrest intimation, memorandum of arrest, grounds of arrest, inspection memo in accordance with the guidelines mandated in Arnesh Kumar’s case supra and DK Basu’s case supra. Therefore, on this score also, I am of the considered opinion that the arrest of the petitioners is vitiated and is liable to be quashed.
43. In the case of Arnab Manoranjan Goswami v. State of Maharashtra, (2021) 2 SCC 427, the Apex Court held as under:-
64. While considering an application for the grant of bail under Article 226 in a suitable case, the High Court must consider the settled factors which emerge from the precedents of this Court. These factors can be summarised as follows:
64.1. The nature of the alleged offence, the nature of the accusation and the severity of the punishment in the case of a conviction.
64.2. Whether there exists a reasonable apprehension of the accused tampering with the witnesses or being a threat to the complainant or the witnesses.
64.3. The possibility of securing the presence of the accused at the trial or the likelihood of the accused fleeing from justice.
64.4. The antecedents of and circumstances which are peculiar to the accused.
64.5. Whether prima faciethe ingredients of the offence are made out, on the basis of the allegations as they stand, in the FIR.
64.6. The significant interests of the public or the State and other similar considerations.
65. These principles have evolved over a period of time and emanate from the following (among other) decisions : Prahlad Singh Bhati v. State (NCT of Delhi) [Prahlad Singh Bhati v. State (NCT of Delhi), (2001) 4 SCC 280 : 2001 SCC (Cri) 674] ; Ram Govind Upadhyay v. Sudarshan Singh [Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598 : 2002 SCC (Cri) 688] ; State of U.P. v. Amarmani Tripathi [State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21 : 2005 SCC (Cri) 1960 (2)] ; Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; Sanjay Chandra v. CBI [Sanjay Chandra v. CBI, (2012) 1 SCC 40 : (2012) 1 SCC (Cri) 26 : (2012) 2 SCC (L&S) 397] and P. Chidambaram v. CBI [P. Chidambaram v. CBI, (2020) 13 SCC 337 : (2020) 4 SCC (Cri) 528] .
66. These principles are equally applicable to the exercise of jurisdiction under Article 226 of the Constitution when the court is called upon to secure the liberty of the accused. The High Court must exercise its power with caution and circumspection, cognizant of the fact that this jurisdiction is not a ready substitute for recourse to the remedy of bail under Section 439 CrPC. In the backdrop of these principles, it has become necessary to scrutinise the contents of the FIR in the case at hand. In this batch of cases, a prima facieevaluation of the FIR does not establish the ingredients of the offence of abetment of suicide under Section 306 IPC. The appellants are residents of India and do not pose a flight risk during the investigation or the trial. There is no apprehension of tampering of evidence or witnesses. Taking these factors into consideration, the order dated 11-11-2020 [Arnab Manoranjan Goswami v. State of Maharashtra, (2021) 1 SCC 802] envisaged the release of the appellants on bail.

44. If the facts of the instant cases are examined bearing in mind the aforesaid principles, in the light of the discussion made above, I am of the considered opinion that the petitioners are entitled to be released on interim bail

pending disposal of the present petitions.

45. In the case of Kasireddy Upender Reddy v. State of A.P., 2025 SCC OnLine SC 1228, the Apex Court held as under:-

18. Thus, the following principles of law could be said to have been laid down, rather very well explained, in Vihaan Kumar (supra):

a) The requirement of informing the person arrested of the grounds of arrest is not a formality but a mandatory constitutional condition.

b) Once a person is arrested, his right to liberty under Article 21 is curtailed. When such an important fundamental right is curtailed, it is necessary that the person concerned must understand on what grounds he has been arrested.

c) The mode of conveying the information of the grounds of arrest must be meaningful so as to serve the true object underlying Article 22(1).

d) If the grounds of arrest are not informed as soon as may be after the arrest, it would amount to a violation of the fundamental right of the arrestee guaranteed under Article 22(1).

e) On the failure to comply with the requirement of informing the grounds of arrest as soon as may be after the arrest, the arrest would stand vitiated. Once the arrest is held to be vitiated, the person arrested cannot remain in custody even for a second.

f) If the police want to prove communication of the grounds of arrest only based on a diary entry, it is necessary to incorporate those grounds of arrest in the diary entry or any other document. The grounds of arrest must exist before the same are informed.

g) When an arrestee pleads before a court that the grounds of arrest were not communicated, the burden to prove the compliance of Article 22(1) is on the police authorities.

h) The grounds of arrest should not only be provided to the arrestee but also to his family members and relatives so that necessary arrangements are made to secure the release of the person arrested at the earliest possible opportunity so as to make the mandate of Article 22(1) meaningful and effective, failing which, such arrest may be rendered illegal.

46. The respondents have placed reliance upon certain judgments of the Apex Court for the proposition that interim bail cannot be granted and investigation should be stayed in the rarest of rare cases; in the facts and circumstances of the instant case and the discussion made above, the said judgments would not be applicable to the facts of the present case and in the light of the judgment of the Apex Court in Arnab Goswami's case supra, the said contention of the respondents cannot be accepted.

47. The respondents have also relied upon certain judgments for the proposition that the Court cannot direct the police not to arrest till investigation is completed; for the very same reasons referred to supra and in the facts and circumstances of the present case and the findings recorded by me hereinbefore, even these judgments would not be applicable to the facts of the instant case.

48. Insofar as the judgments relied upon by the respondents for the proposition that organisers cannot evade responsibility and avoid arrest and investigation should be conducted into mishaps that occur during their private events are concerned, as noticed by me earlier, the petitioners herein who are officials / employees / directors of RCB and DNA cannot be equated with the said companies and in the absence of any material prior to their arrest to establish their involvement and participation in the event so as to cause the mishap, the petitioners cannot be held to be vicariously liable for the alleged offences especially when they are not even named as accused persons in the subject FIRs.

49. Insofar as the judgment of the Apex Court in Gowtham Navlakha's case supra, is concerned, the said judgment does not lay down any proposition to the effect that a petition with an interim prayer for interim bail and release from custody of persons arrested is not maintainable and consequently, even this judgment is not applicable to the facts of the instant case.

50. In view of the aforesaid facts and circumstances, I am of the view that the petitioners in both the petitions are entitled to be released on interim bail pending disposal of the present petitions by imposing certain conditions.

51. In the result, I pass the following:-

ORDER

Petitioner in W.P.No.16371/2025 as well as petitioners 1 to 3 in W.P.No.16469/2025 are directed to be released on interim bail forthwith / immediately, subject to the following conditions:-

a) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses or hamper the investigation;

b) The petitioners shall co-operate with the investigation being carried out by the respondents as well as the Enquiry / Commission and also the Magisterial Enquiry.

c) Each of the petitioners shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties each for the like sum to the satisfaction of the trial court and shall also deposit their respective Passports before the trial court within a period of two weeks from the date of their release.

d) Petitioners shall not leave the jurisdiction without the prior permission of this Court.

The respondents – State as well as the concerned Jail authorities are directed to release the petitioners forthwith without any delay and immediately upon a receipt of a copy of this order.

Registry is directed to communicate this order to the concerned Jail Authorities forthwith without any delay both electronically and telephonically.

Re-list after four weeks.

Hand delivery of this order is permitted.