

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 171 OF 2015

Manoj Phulchand Jain and others

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep Patil for Applicant
Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 6, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein their apprehending his arrest in crime no. 22 of 2015 registered at Kamothe Police Station for offence punishable under sections 452, 380, 422, 504, 506, 507 r/w 34 of Indian Penal Code.

2) Applicants herein had approached the Court of Sessions at Raigad-Alibag seeking pre-arrest bail. While deciding interim application, learned Sessions Judge vide order dated 02/02/2015, has directed Kamothe Police Station to follow the directions given by Hon'ble Apex Court in the case of **Arnesh Kumar V/s State of Bihar** reported in (2014) 8 SCC 273. Order

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passed by the learned Sessions Judge cannot be faulted with, however, applicants herein apprehend arrest at the hands of police in the course of preliminary investigation.

3) In view of this, it is clarified and further directed that in the eventuality police of Kamothe Police Station intend to arrest present applicants and take them into custody, they shall give 72 hours notice to the applicants, excluding Sundays and public holidays.

4) With these directions, application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)