

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.682 OF 2015

Sanjay Tulshiram Palkar

..Applicant

Versus

State of Maharashtra
and another.

..Respondents

....

Mr. Prajot Jaggi, Advocate for the Applicant.

Mrs. R.V. Newton, APP, for the Respondent – State.

....

CORAM : A. R. JOSHI, J.

DATE : 8th MAY, 2015

P.C.

1. Heard learned Counsel for the applicant. Also heard learned APP for the State.

2. Under peculiar circumstances, present application for anticipatory bail is preferred by the applicant asking for the discretionary relief of pre-arrest bail when actually the offence apparently registered by the original complainant in Hyderabad. What is presently issued against the present applicant is not in fact an arrest warrant, but, it is only a notice under Section 41A(1) of the Code of Criminal Procedure.

3. Much is argued regarding the merits of the matter as to non-involvement of the present applicant in the alleged offence which has been registered at Hyderabad.

4. Learned APP for the State submitted that the First Information Report copy is not annexed and as such it is not possible to ascertain what role the applicant has exactly played in the offence which is alleged. In fact, it is further submitted that it is not yet ascertained whether the present applicant is mentioned as an accused in the said complaint lodged by the complainant at Hyderabad. On this, the learned Counsel for the applicant brought attention of this Court towards the contents of the said notice under Section 41A(1) of the Code of Criminal Procedure to the following effect :

“ One case is registered against you in Police Station, Bahadurpura, Hyderabad City in Cr. No. Cr. No.27/2015, U/s. 420, 379, 407 r/w. 34 IPC & 156(3) Cr.P.C. of PS Bahadurpura, Hyd, and took up the investigation.

If any documents with you regarding this crime, produce before me within one week to proceed further into the investigation. Hence I request you to produce the above documents within (7) days to proceed investigation and finalize the case.”

5. Considering the above factual position and considering that there is nothing to ascertain as to what role is played by the applicant or whether he is going to be arrested on his appearance on the strength of the notice under Section 41A(1) of the Code of Criminal Procedure, in the considered view of this Court, it is not a case in which any relief can be granted to the applicant. The application is accordingly dismissed and disposed of.

(A. R. JOSHI, J.)

Deshmane (PS)