

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
ANTICIPATORY BAIL APPLICATION NO.1639 OF 2014

Santosh Ramchandra Bhoir Applicant
Vs.
State of Maharashtra Respondent

Mr. A.H.H. Ponda i/b Mr. Pavan S. Patil
for the Applicant.
Ms A.A. Mane, APP, for the Respondent-
State.

CORAM: P.D. KODE, J.

DATED: JANUARY 16, 2015

P.C:

A perusal of the order passed by Court of Sessions reveals that application for pre-arrest bail has been rejected on the ground that the applicant has not appeared in pursuance to Notice under Section 41A of the Cr.P.C.. The order does not reveal that merits of the matter were considered by the Court of Sessions. It is difficult to perceive that

non-appearance in pursuance of said notice takes away the right of prayer for pre-arrest bail in fit cases. Having regard to it, the application is disposed of with a direction to the applicant to re-approach the Court of Sessions for the purpose of pre-arrest bail. In event of such an application being preferred, the Court of Sessions shall decide the same in accordance with law, on its own merit and uninfluenced by the earlier rejection made vide order dated 20-12-2014. The applicant to prefer such an application at the earliest and, in any event, within four days from today. In the meanwhile, the applicant to stay at the address mentioned in the application; attend the I.O. on every alternate date in between 11:00 a.m. and 1:00 p.m., and not to indulge in activity of fleeing away and/or intermingling with the investigation in progress, including of threatening, pressurizing and coercing

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witnesses acquainted with facts connected with the accusation against the applicant. In said premises, the I.O. of Crime No.I-637 of 2014 of Virar Police Station, not to take coercive steps of arrest against the applicant till 27-1-2015.

(P.D. KODE, J.)