

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.814 OF 2016

Shri Kapil Gajanan Shukal ... Applicant

Vs.

The State of Maharashtra ... Respondent

with

ANTICIPATORY BAIL APPLICATION NO.815 OF 2016

Shir Amit Babulal Kothari ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.R.U. Singh i/b Dinesh Pandey for the Applicants
Ms.P.P. Shinde, APP, for Respondent – State
Mr.Sandeep Nigade, API, Bhiwandi Crime Branch – present

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: MAY 5, 2016

P.C.:

1. These two Anticipatory Bail Applications are moved by the applicants-accused as they are facing prosecution for the offences punishable under sections 420, 504, 506(2) r/w 34 of the Indian Penal Code in C.R. No.I-181 of 2016 registered with Narpoli police station, Thane on 13.4.2016 at the instance of one Vishal Narayan Jajodiya.
2. The learned Counsel for the applicants submits that this being a case under section 420 of the Indian Penal Code where the punishment is

less than 7 years, notice under section 41 A of the Code of Criminal Procedure is required to be given.

3. Learned Prosecutor on instructions from the Investigating Officer, submits that notice under section 41 of the Code of Criminal Procedure could not be issued because the applicants did not remain present at the police station to accept the notice.

4. Under such circumstances, the police are directed to give them notice and follow the procedure laid under section 41 of the Code of Criminal Procedure tomorrow. The applicants-accused are directed to attend the police station tomorrow. In the event the police decides to arrest the applicants-accused, they shall give the applicants a 72-hours prior notice.

5. Anticipatory Bail Applications are disposed of.

(MRIDULA BHATKAR, J.)