

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1584 OF 2017

Smt. Fatima Yusuf Shaikh Vs.The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. Vinod Sangvikar for applicant.
Ms. Rutuja Ambekar APP for State.

CORAM : A.S. GADKARI, J.

DATE : 27th September 2017.

P.C.:

1] By an Order dated 13th September 2017, the applicant was granted interim relief.

2] The record indicates that in private complaint filed in the year 2014, the learned Magistrate had passed an Order dated 20.11.2014 under Section 156(3) of Cr. P.C. Despite there being Order under Section 156(3) of Cr. P.C. and Investigating Agency is obliged to lodge the first information report in that behalf by following the provisions of Cr. PC, the Investigating Officer wants to record the statement of the applicant/accused without following any procedure of law. It is to be noted here that,

in Order dated 13th September 2017 passed by this Court, the submission of the applicant is recorded that despite there being Order under Section 156(3) of Cr. P.C., without issuing notice under Section 160 of Cr. P.C., the concerned Investigating Officer is repeatedly calling the applicant to the police station. Prima facie it appears that the phone calls which are being given by the Investigating Officer to the applicant calling upon her for recording her statement in pursuance of Order dated 20.11.2014 passed by the learned Magistrate, has no basis at all in law.

3] In view thereof, interim relief granted by an Order dated 13th September 2017 is hereby confirmed.

4] Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)