IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 745 OF 2018

Capt. Prabhat Kumar Jha ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

Mr.Subhash Jha a/w Mr.Hare Krishna Mishra, Ms.Sanjana Pardeshi, Ms.Ankita Pawar for the Petitioners.

Mrs.A.S. Pai, APP for the Respondent-State.

Mr.Vinod Kanavaje, Police Inspector and Mr.Shriram Koregaonkar, Senior Police Inspector present in Court.

CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.

DATE : 17th OCTOBER 2018

P.C.

1. Heard.

2. The petition is filed for following prayer :-

"(a) that this Hon'ble Court may be pleased to call for the investigation papers concerning FIR No.503 of 2017 of Santacruz Police Station, Mumbai and after examining the legality, validity and/or propriety of the said police station issuing "lookout notice" as against the petitioner and/or possibly against his wife

Smt.Rashmi Prabhat Kumar Zha, after the petitioner obtaining an order of interim anticipatory bail from this Hon'ble Court on 19.12.2017 and which order is in vogue be pleased to quash and set aside the same.

3. Mr.Jha, the learned counsel for the petitioner at the outset submit that the petitioner and his wife are arraaigned as accused in FIR No.503 of 2017 registered with Santacruz Police Station for an offence punishable under Sections 408, 465, 467, 468 read with 34 of the Indian Penal Code.

They have applied for Anticipatory Bail by filing application bearing No.1751 of 2017 and the learned Single Judge of this Court has granted ad-interim protection to the petitioner and his wife on 19th December 2017 which is continued from time to time. Mr.Jha submitted that anticipatory bail application filed by him is closed for the judgment and ad-interim relief granted is continued till disposal of the said application. He further submit that despite this impugned Look out Notice is issued by concerned Deputy Commissioner of Police.

5. When we asked learned APP Mr.Pai, how Look out Notice can issued when ad-interim protection is granted in favour of the petitioner, the learned APP having taken instructions from Shriram Koregaokar, Senior PI, Santacruz Police Station who is present in the Court make a statement that the lookout circular would be withdrawn within 48 hours. Statement is accepted as undertaking to the Court.

6. In the light of the above statement Mr.Jha the learned counsel for the petitioner fairly concede that the grievance raised in the petition do not survive and the same may be disposed of. In such circumstances the Criminal Writ Petition is disposed of. However, it is made clear that the investigating officer in the subject crime would be at liberty to take appropriate proceedings in the contingency which may arise in future if the petitioner do not co-operate with the investigation machinery, on rejection of his anticipatory bail application. It is however made clear that any action taken would follow due course of law.

(SMT.BHARATI H. DANGRE, J.) **(RANJIT MORE, J.)**