

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.46/2019

1. Vijay S/o Bhagwaticharan Verma,
aged about 44 Yrs., Occu. Business.
2. Narendra S/o Suryabhan Ramteke,
aged about 50 Yrs., Occu. Business.

Both R/o Kadriya Masjid Chowk,
Ballarsha, Tah. Ballarsha,
Distt. Chandrapur.

..Petitioners.

..Vs..

1. The State of Maharashtra,
through Police Station Officer,
Police Station, Ballarsha, Tah. Ballarsha,
Distt. Chandrapur.
2. Lal Bahadursingh Tomar,
age 53 Yrs., Occu. Truck Driver,
R/o Shivaji Ward, B.T.S. Plot,
Ballarpur, Tah. Ballarpur,
Distt. Chandrapur.

..Respondents.

 Shri V.U. Waghmare, Advocate for the petitioners.
 Shri S.S. Doifode, A.P.P. for the respondent No.1 / State.
 Ms. Soumya S. Choube, Advocate for respondent No.2.

CORAM : Z.A. HAQ AND VINAY JOSHI, JJ.
DATED : 22.3.2019.

CRIMINAL APPLICATION (APPW) NO.77/2019

1. For the reasons stated in the application, the application for intervention is **allowed**. Amendment be carried out forthwith.

ORAL JUDGMENT (Per Vinay Joshi, J.)

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of parties.

3. It is petitioners' case that one Lalbahadursingh Tomar filed complaint to the police because of which the police are repeatedly calling them to police station. Dispute is about a truck which, according to the petitioners, is purchased by them. The petitioners had twice approached the Sessions Court, Chandrapur for grant of pre-arrest protection, but each time police filed report that no offence is registered against the petitioners and, therefore, the bail applications were disposed. The petitioners apprehend that the police may arrest them at any moment though F.I.R. is not registered against them, and their personal liberty would be curtailed for no reason. Admittedly, twice the petitioners had applied for pre-arrest bail but each time their application was disposed since offence was not registered. It is informed by learned A.P.P. that the police have received concerned report, but it is still at the stage of enquiry. No doubt the police have right to take necessary steps in accordance with law in the matter. However, in the above peculiar circumstances, we find certain directions are required to be issued to the police so as to protect the petitioners' right to approach Court for pre-arrest bail. In view of that, we direct that concerned police shall give 72 hours advance notice in writing to the

petitioners, if they intend to arrest them. Writ petition stands **disposed** accordingly.

JUDGE

JUDGE

Tambaskar.