

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

927 ANTICIPATORY BAIL APPLICATION NO.1427 OF 2021

**MAHESH BALASAHEB DHAWALE
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Gajanan G.Kadam, Counsel for applicant
Mr. A.V.Deshmukh, APP for respondent-State
Ms. Anita Kanifnath Pawar, PHC, B.No.1082, A.HT.U., Ahemdagar
present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th DECEMBER, 2021

PER COURT:

1] Applicant is apprehending arrest in Crime No.0529 of 2021 registered with Ahmednagar Taluka Police Station, Dist.Ahmednagar for the offence punishable under Section 363 of Indian Penal Code (for short, 'IPC'). The offence is bailable and therefore, action of granting relief under Section 438 of Code of Criminal Procedure does not arise.

2] However, the applicant apprehends arrest since say was filed by police, opposing for anticipatory bail seeking his custody. There is possibility that non-bailable offence would be added by investigating agency.

3] Learned APP on instructions from the Officer present in the Court submit that the investigation is in progress. At present bailable offence is

registered. Statement of victim is not yet recorded and in the event, on the basis of statement, any non-bailable offence is registered, 72 hours notice of arrest in writing would be given to applicant.

4] The statement is accepted.

5] In view of above, in the event of registration of non-bailable offence and arrest of applicant, he shall be given 72 hours advance notice in writing.

6] Applicant would be at liberty to pursue his remedies including application under Section 438 of Cr.P.C. before Sessions Court in the event such notice is served upon him.

7] Application is disposed off.

(PRAKASH D. NAIK, J.)

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