

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

ANTICIPATORY BAIL APPLICATION NO. 1374 OF 2021

Pawan Chandulal Khemani .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. Ashok P. Mundargi, Senior Advocate i/b M/s. V & M Legal for the Applicant.

Mr. Tejas H. Bhatt a/w. Saloni C. Sathe for the Complainant.

Ms. Anamika Malhotra, APP for the Respondent-State.

Mr. Nagpure, API, Amboli Police Station present.

CORAM : PRAKASH D. NAIK, J.
DATE : 11th JUNE, 2021.

P. C. :

1. Vide order dated 26.04.2021 it was directed that the Investigating Officer shall give 72 hours prior notice to the Applicant in the event of arrest of Applicant on the basis of fresh FIR being registered by the police. It was further observed that in the event if such notice is issued, the applicant would be at liberty to prefer anticipatory bail application before the Sessions Court.

2. Mr. Mundargi, learned Senior Advocate for the applicant submitted that pursuant to the aforesaid order, fresh FIR has been registered with Ambarnath Police Station vide C. R. No. 441 of 2021 on 02.06.2021 for the offence under Section 420, 467, 468, 471 of the IPC. It is submitted that the Investigating Officer had visited the residence of the Applicant which indicated that they intended to arrest him. No notice in accordance with order dated 26.04.2021 was issued to the Applicant by the Investigating Officer.

3. Learned APP submitted that notice under Section 41A was issued

to the Applicant. It cannot be termed to be notice of arrest in compliance with order dated 26.04.2021. On instructions learned APP submitted that the Investigating Officer would give 72 hour notice of arrest to the Applicant as per order dated 26.04.2021 as the Applicant is required to be arrested

4. The Investigating Officer shall give 72 hours notice in writing to the Applicant by tomorrow i.e. 12.06.2021. The notice shall be served at the residence of the Applicant and even if the Applicant is not present at the residence, the same shall be accepted by any other person who is present at his residence where would be considered as good service. On receipt of the notice, the Applicant would be at liberty to prefer an application for anticipatory bail before the Sessions Court.

[PRAKASH D NAIK, J.]