

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. ANTICIPATORY BAIL APPLICATION NO. 288 OF 2021

Kishore Kumar Shrinivas Shetty & Anr. ..Applicants
Vs.
The State of Maharashtra & Anr. ..Respondents

Mr. Shirish Gupte, Senior Advocate a/w. Mr. Nitesh Mohite a/w.
Mr. Satyavrat Joshi, for the Applicants.
Mr. Y. Y. Dabke, APP for the Respondent / State.
Mr. A. P. Mundargi, Senior Advocate a/w. Mr. Satyam
Nimbalkar, for the Intervener.
Sr.PI Ashwini Satpute, Bund Garden Police Station, Pune City.

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**CORAM : C.V. BHADANG, J.
DATE : 2 MARCH 2022**

P.C.

1. The Applicants, apprehending arrest, in connection with investigation of Crime No.411/2020 of Police Station Bund Garden, Pune City, under Section 406 and 420 of IPC, are seeking anticipatory bail.

2. Heard the learned counsel for the parties for some time.

3. It transpires during the course of hearing that the Investigating Officer has not yet issued notice under Section 41-A of Cr.P.C. to the Applicants.

4. Learned APP did not dispute that as per the decision of the Supreme Court in *Arnesh Kumar Vs. State of Bihar*¹, the Investigating Officer will be required to issue a notice under Section 41-A of Cr.P.C. in the event she decides to effect the arrest of the Applicants.

5. In such circumstances, the Criminal Application is disposed of, at this stage. It will be open to the Investigating Officer to issue a clear three working days notice to the Applicants under Section 41-A of Cr.P.C. in the event she intends to effect the arrest of the Applicants. If said notice is received by the Applicants, liberty to the Applicants to renew the request for anticipatory bail. The Criminal Application is disposed of, in the aforesaid terms. The Interim Application is also disposed of.

C.V. BHADANG, J.

1 (2014) 8 SCC 273