

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

ANTICIPATORY BAIL APPLICATION NO. 986 OF 2022

Husen Samsheer Naik & Ors.

..Applicants

V/s.

The State of Maharashtra

..Respondent

Mr. Rupesh Bobade, for the Applicants.

Mrs. M. R. Tidke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 12 APRIL 2022

P.C.

. The Applicants, apprehending arrest, in connection with investigation of Crime No.120/2022 of Police Station Jath, District Sangli, under Section 353, 385 and 506 r/w. 34 of IPC, are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 15 March 2022 lodged by Jyoti Manik Kumbhar who is working as a Gram Sevak with Gram Panchayat Gholeswar, Taluka Jath, District Sangli. She claims that on 14 March 2022 at 10.00 a.m. the Applicants and others went to the Gram Panchayat office and asked for share of the amount which

was spent on the management of Covid 19 Pandemic and repairing of handpumps and abused the complainant and threatened that they were sitting on *dharna* / agitation.

3. The learned counsel for the Applicants submitted that there are no allegations of use of criminal force within the meaning of Section 350 r/w. Section 353 of IPC made against the Applicants. He submitted that no notice under Section 41-A of Cr.P.C. has been issued by the Investigating Officer.

4. It appears that neither the Applicants nor the learned APP is in a position, to make statement whether a notice under Section 41-A of Cr.P.C. is issued.

5. Be that as it may, considering the nature of the allegations and the sections invoked, the Criminal Application is disposed of. The Investigating Officer shall issue three clear working days notice under Section 41-A of Cr.P.C. to the Applicants in the event he proposes to effect arrest of the Applicants. Liberty to the Applicants to renew the request for anticipatory bail in the event of receipt of any such notice.

(C.V. BHADANG, J.)