

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 973 OF 2022

Sachin Anant Arivale

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Piyush Toshnival a/w. Mr. Aniket Nikam a/w. Mr. Aashish Satpute a/w. Mr. Amit Icham a/w. Mr. Vivek Arote, for the Applicant.

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

API Kharat Kamothe Police Station.

CORAM : C.V. BHADANG, J.

DATE : 11 APRIL 2022

P.C.

. Leave to correct the allegations in the Petition granted.
Necessary correction to be carried out forthwith.

2. The Applicant, apprehending arrest, in connection with investigation of Crime No.38/2022 of Police Station Kamothe, Navi Mumbai, under Section 498-A, 323 and 504 r/w. 34 of IPC, is seeking anticipatory bail.

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3. The aforesaid crime is registered on the basis of the complaint dated 23 February 2022 lodged by Sau. Karishma Sachin Arivale, who is wife of the Applicant.
4. Heard the learned counsel for the parties. Perused record.
5. Admittedly, the Investigating Officer has not issued any notice under Section 41-A of Cr.P.C. to the Applicant, in as much as, none of the offence registered carry sentence in excess of seven years of imprisonment (see decision of the Supreme Court in case of *Arnesh Kumar Vs. State of Bihar and Anr.*¹.)
6. Learned APP submitted that the Investigating Officer shall issue a notice under Section 41-A of Cr.P.C. in the event he intends to effect arrest of the Applicant.
7. In that view of the matter, the Criminal Application is disposed of. The Investigating Officer shall issue a clear three working days notice to the Applicant in the event he intends to arrest the Applicant. Liberty to the Applicant to renew the request for anticipatory bail in the event of receipt of such notice.

(C.V. BHADANG, J.)

1 (2014) 8 SCC 273