

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.1048 OF 2020**

|                                     |   |    |             |
|-------------------------------------|---|----|-------------|
| Hashim Puthuparambil Ebrahim & Anr. | ] | .. | Applicants  |
| vs.                                 |   |    |             |
| State of Maharashtra & Anr.         | ] | .. | Respondents |

Mr.Bhamesh Bellam for the Applicants.  
Smt.Anamika Malhotra, APP for the State.  
Mr.Amir Shaikh, for the complainant.  
PSI S.A. Yadav, Kharghar Police Station present.

**CORAM : BHARATI DANGRE, J**

**DATE : 20<sup>th</sup> SEPTEMBER, 2022.**

**P.C.**

1] The applicants are apprehending arrest in CR No.144/2020 registered with Kharghar Police Station on 14.07.2020 which invoke section 420 read with 34 of the Indian Penal Code.

2] When the Applicants approached this Court on 22.12.2020 statement was made on their behalf that they shall deposit the sum of Rs.42.5 Lakhs with the Registry of this Court on or before 18.01.2021. Since there was no compliance of the said order, protection was vacated on 20.07.2022.

3] The net result is, despite the protection not continued in favour of the Applicants, the Investigating Officer has not been able to arrest them and the reason is that the Applicants are not available.

4] The learned counsel for the Applicants contested the said statement.

5] In any case, since offence invoked against the Applicants is under Section 420 of the Indian Penal Code and the Applicants were issued with notice under Section 41A of the Cr.P.C. the Applicants shall report to the Investigating Officer within a period of 7 days from today.

Upon their reporting, the Investigating Officer shall follow the procedure prescribed under Section 41 A of the Cr.P.C. and shall record reasons in case he is desirous of having custodial interrogation.

6] If there is non compliance of the order, the Investigating Officer shall be at liberty to effect arrest of the Applicants.

7] In the wake of above, Application is disposed off.

**[BHARATI DANGRE, J]**