

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2223 OF 2022

Basheer Yasin Shaikh	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Subhash Jha i/b Law Global a/w Dwivendra Dubey for the Applicant.
Smt.Anamika Malhotra, APP for the State.
API Vivek Khawale, Versova Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 18TH AUGUST, 2022.

P.C.

1] On 02.03.2022 the Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai passed the following order :

1. *In the event of any crime being registered for non bailable offence on the report of complainant, namely, Masood Aktar Hashmi, the respondent shall give at least 72 hours notice to the applicant before taking any coercive steps.*
2. *Inform to Versova Police Station.*
3. *Anticipatory Bail Application No.297/2022 stands disposed of.*

2] The order came to be passed on an apprehension being expressed by the Applicant about his arrest to be effected by Versova Police Station for Non Bailable offences.

3] On 21.07.2022 Assistant Police Inspector, Versova Police Station issued notice under Section 41A of the Cr.P.C. addressed to the Applicant and by the said notice he is directed to report to the concerned Police Station on 25.07.2022 and the notice indicates that failure to abide by the said notice would render the Applicant liable for arrest under Section 41A (3) and (4) of the Cr.P.C.

4] The grievance of the learned counsel Mr.Subhash Jha is to that effect is there is no indication about protection granted by order dated 02.03.2022.

I find sufficient substance in the said submission.

5] The learned counsel Mr.Zha invited my attention to an important facet of the matter being that the subject FIR has not been uploaded on the website and therefore there is breach of the directions of the Hon'ble Apex Court, directing that all FIRs to be uploaded on the website.

6] The learned APP on checking the website admits the same. She, however, states that appropriate directions may be issued to the Investigating Officer to do the needful.

Hence, the following order :

1] After the Applicant report to the Investigating Officer in pursuance of the notice, if the Investigating Officer arrive at a conclusion regarding arrest, he shall adhere to the order dated 02.03.2022 and shall issue 72 hours notice.

2] The Investigating Officer is directed to upload the concerned FIR on the website within a period of one week from today.

3] With the above directions, application is disposed off.

[BHARATI DANGRE, J]