

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2238 OF 2022

Nilesh Harichandra Khedekar	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Ms.Priyanka Dable for the Applicant.
Smt.A.A. Takalkar, APP for the State.
Mr.Viral Rathod i/b A.A. Sathe, for the Intervenor.
PN Pravin Nivale, Arnala Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 26th SEPTEMBER, 2022.

P.C.

- 1] On being asked as to why notice under Section 41A of the Cr.P.C. has not been issued to the Applicant since the subject CR invoke offence under Section 406 and 420 of the Indian Penal Code, the learned APP makes a categorical statement that the Applicant is not residing at the address given by the complainant.
- 2] The learned counsel for the Applicant makes a categorical statement that the Applicant is continuously residing on the address mentioned in the title clause.
- 3] The Investigating Officer shall take note of the same and issue

him notice under Section 41A of the Cr.P.C. within a period of 3 days from today, which shall be served upon the Applicant or any member of the family of the Applicant, who will be present on the address.

Upon presence of the Applicant, the Investigating Officer shall follow procedure prescribed under Section 41A of the Cr.P.c. and record reasons in case if he comes at a conclusion that custodial interrogation of the Applicant is very much necessary for completing the investigation. He shall also issue 72 hours notice in advance in case if he is desirous of effecting arrest.

4] With the above directions, Application is disposed off.

[BHARATI DANGRE, J]