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

ANTICIPATORY BAIL APPLICATION NO.2739 OF 2021

MAYA PRADEEP LOHAR AND ORS. ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Milan Desai for the applicants.
Ms. P. N. Dabholkar, APP for State.
Mr. Popat Zole, API, Vakola Police station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 30, 2022.

P.C. :

- 1.** My attention is invited to the order dated February 22, 2022 passed by this Court. Ad-interim protection in favour of the applicant was granted. The offence against the four applicants is under Sections 420, 506 read with 34 of the Indian Penal Code in connection with M.E.C.R.No.6 of 2018 registered with Vakola Police Station on December 7, 2018.
- 2.** I have gone through the allegations in the First Information Report.
- 3.** Learned APP submits that though the notice under

Section 41A of the Code of Criminal Procedure was issued, the applicants have not co-operated with the investigation.

4. Learned counsel for the applicants submits that the applicants are resident of Rajasthan and therefore, there was some communication gap as the order passed by this Court on February 22, 2022 recorded that the applicants should attend the concerned police station as and when called. Learned counsel submits that the applicants are willing to co-operate and extend their cooperation in the investigation. Learned counsel for the applicants, however, submits that the applicant no.4 is 76 years of age suffering from various ailments and he is in no way concerned with the transaction. The offence is mainly alleged against the applicant no.1-Maya Pradeep Lohar.

5. Considering the age of the applicant no.4, for the present, the applicant no.1-Maya Pradeep Lohar, applicant no.2-Pradeep Bhairaulalji Lohar and applicant no.3-Hemant Pradeep Lohar shall report to the Investigating Officer on 12th, 13th and 14th December, 2022, between 11.00 a.m. and 2.00 p.m. and thereafter if needed as and when required

after giving a reasonable notice. The applicant no.4, looking at his age and nature of allegations against him, is exempted from reporting to the Investigating Officer. In case the Investigating Officer feels at a later stage that presence of the applicant no.4 is required, he may issue a 72 hours notice in which case liberty to the applicant no.4 to apply.

6. The applicants to co-operate with the Investigating Officer.

7. In case if the Investigating Officer wants to effect the arrest if he feels that arrest is imperative in the wake of the reasons recorded by him, he may effect the arrest after giving 72 hours notice in advance to the applicants.

8. The applicants shall furnish the details of their residential address and phone numbers to the investigating officer.

9. The application is disposed of.

(M. S. KARNIK, J.)