

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2807 OF 2022

Ashok Arvind Jethwa .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Arjun Rajput with Mr.Durgesh Rege and Mr.Subodh Pathak
for the Applicant.

Ms.Veera Shinde, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 15th NOVEMBER, 2022

P.C:-

1. Learned counsel for the applicant states that the applicant is served with the notice under Section 41A of Cr.P.C., but on account of his illness, he did not report to the police station.

Learned counsel for the applicant undertakes that the applicant shall report to the Investigating Officer within 7 days from today. He also makes a categorical statement that as far as the amount involved in the subject C.R. is concerned, it is already deposited by accused No.2 before the trial Court and even this amount has been withdrawn. This is a fit case where the Investigating Officer will exercise his discretion, whether to arrest the applicant or not, considering the directives issued by the Hon'ble Apex Court in the case of Satender Antil.

2. Upon the applicant appearing before the Investigating Officer, he shall follow the mandate set out under Section 41A of Cr.P.C. and shall record reasons in writing, in case, he comes to the conclusion that the arrest is necessary. Before effecting the arrest for the purpose of custodial interrogation, he shall serve 72 hours notice to the applicant.

3. With the aforesaid direction, the application stands disposed off.

(SMT. BHARATI DANGRE, J.)