

Urmila Ingale

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

ANTICIPATORY BAIL APPLICATION NO.3042 OF 2022

Siddharth Choudhary @ Singh ..Applicant
vs.
State of Maharashtra ..Respondent

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Mr. Umesh Iyer, Mr. Ajay Khan, Ms.Ruchika Indalkar,
Devendra Avhad, for applicant.
Mr. S.V. Gavand, APP for respondent.
Mr. Ganesh H.Jain, Asst. Police Inspector, Juhu Police
Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 28, 2022

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R.No. 824 of 2022 registered with Juhu Police Station for the offence punishable under sections 406, 419, 420 read with 34 of the Indian Penal Code, 1860.
3. It is the contention of the complainant that she has

been duped for an amount of Rs.10,00,000/- plus. The applicant had promised the rights in respect of a banquet hall. It is alleged by the complainant that the applicant cheated the complainant by inducing her to hand over the said amount.

4. Learned APP strongly argued against the conduct of the applicant which according to him is not bonafide. My attention is invited to the contention raised by the applicant that though notice under section 41A of the Code of Criminal Procedure was sent on whats-app, an objection is raised by the applicant that the same is not a valid service. He therefore submits that the Investigating Officer does not have any other option, but to arrest the applicant.

5. Learned counsel for the applicant on instructions submits that the applicant is willing to co-operate with the investigation. To show his bonafides, learned counsel submitted that he would attend the Investigating Officer. Learned counsel for the applicant on instructions accepts to have received the notice through whats-app and it is a valid notice and will not make any grievance in that regard.

Learned APP submits that should the applicant co-operate and attend the Investigating Officer on 01/12/2022, 02/12/2022, 03/12/2022 and thereafter as and when called between 11.00 a.m. and 1.00 p.m., which the learned counsel for the applicant on instructions submits that the applicant will attend, further enquiries will be made by the Investigating Officer in compliance with the notice issued under section 41A. 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.

6. The anticipatory bail application is disposed of.

(M. S. KARNIK, J.)