

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3186 OF 2022**

Wasim Akra Mod Mustaqeem Ansari .. Applicants
& Anr.

Versus

The State of Maharashtra .. Respondent

Mr. Vivek Punjabi for the Applicant.

Ms. Rutuja Ambekar, A.P.P. for the State/Respondent.

**CORAM: BHARATI DANGRE, J.
DATED : 16th NOVEMBER, 2022**

P.C:-

1. Though the subject C.R which invoke section 394 of IPC, on perusal of the complaint, *prima facie*, the offence under section 394 is not made out, the learned APP also concede to the said revision.

She has invited my attention to an affidavit placed along with the application at page no.34 which reveal that the motorcycle and two mobiles are already handed over to the police officer. In this circumstances it will be more appropriate that the Investigating Officer shall issue a notice to the applicants under section 41-A of Cr.P.C and follow the procedure prescribed therein. On receipt of the notice the applicants shall appear before the Investigating Officer within a period of seven days.

2. Upon their attendance, the Investigating Officer shall

follow the procedure prescribed under Section 41A of the Cr.P.C., and record reasons in writing in case he is desirous of effecting arrest of the Applicants.

The Investigating Officer shall also give advance notice of 72 hours in case he comes to the conclusion that custodial interrogation of the Applicants is necessary.

3. Application is disposed off.

(SMT. BHARATI DANGRE, J.)