

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3218 OF 2022

Nitin Shamrao Joshi & Anr. .. Applicants
Versus
The State of Maharashtra .. Respondent

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Mr.Kunal J. Motwani i/b Ms.Tripti R. Shetty for the Applicants.
Mr.S.V.Gavand, A.P.P. for the State/Respondent.
Mr.Sachin Barate, PSI attached to Thane Nagar Police Station,
present.

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CORAM: BHARATI DANGRE, J.
DATED : 18th NOVEMBER, 2022

P.C:-

1. Learned A.P.P. makes a categorical statement that since Sections 406 and 420 of IPC are invoked in C.R.No.178 of 2022 in which the applicants are apprehending their arrest, an attempt was made to serve the notice under Section 41-A of Cr.P.C. A categorical statement is, there is refusal to accept the said notice.
2. The applicants, who are apprehending their arrest, are put on notice that they shall accept the notice issued by the Investigating Officer within a period of three days. Their failure to do so would be construed as their non co-operation to the Investigating Officer, which will enable him to take action against the applicants, as permissible in law.

Upon the notice being issued to the applicants within three days from today, they shall remain present before the Investigating Officer within seven days thereafter. Upon their appearance, the Investigating Officer shall follow the mandate set out under Section 41-A 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 applicants.

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

(SMT. BHARATI DANGRE, J.)