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

ANTICIPATORY BAIL APPLICATION NO.3239 OF 2022

GAURAV KAMLESH YADAV AND ORS. ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Surendra Yadav for the applicants.

Mr. N. B. Patil, APP for State.

Mr. Appa Kisave, Malad Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 25, 2022.

P.C. :

- 1.** Heard learned counsel for the applicants.
- 2.** This is an application for pre-arrest bail in connection with the offence punishable under Sections 354, 324, 323, 504, 427, 506(2) read with 34 of the Indian Penal Code, 1860 registered vide C.R.No.728 of 2022 with the Malad Police Station.
- 3.** Learned APP, on instructions, submits that considering that the offence is punishable for life or seven years imprisonment, the notice under Section 41A of the Code of Criminal Procedure (hereafter 'the Cr.PC' for short) will have

to be issued. Learned APP submitted that though the Investigating Officer tried to trace the applicants, they were not traceable. An effort was made by the Investigating Officer to establish the contact with the applicants but invain.

4. Learned counsel for the applicants to show bonafides of the applicants that they are willing to co-operate in the investigation, submits that the applicants would report to the Investigating Officer **tomorrow (November 26, 2022), between 11.00 a.m. and 1.00 p.m.** and accept the notice under Section 41A Cr.PC.

5. A request is made on behalf of the applicants that they have to attend the marriage and the attendance may be scheduled after some time. Such a request may be made to the Investigating Officer. The Investigating Officer may consider the request of the applicants and fix the suitable date.

6. Upon issuance of notice, in case the Investigating Officer wants to effect 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. The applicants to furnish the details of their residential addresses and contact numbers to the Investigating Officer.

7. The application is disposed of.

(M. S. KARNIK, J.)