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

ANTICIPATORY BAIL APPLICATION NO.3243 OF 2022

Ankitkumar Kantaprasad Vishwakarma ..Applicant

vs.

State of Maharashtra ..Respondent

Mr. Akhilesh Chaubey i/b. AVC and Associates for the
applicant.

Ms. A. A. Takalkar, APP for State.

Mr. Jagdish Valvi, API, Achole Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 22, 2022.

P.C. :

1. This is an application for pre-arrest bail in respect of an offence punishable under Sections 406 and 420 of the Indian Penal Code (hereafter 'IPC' for short) in connection with C.R.No.0410 of 2022 registered with Achole Police Station.

2. Learned APP, on instructions of the Investigating Officer, who is present in the Court, submits that despite of notice under Section 41A of the Code of Criminal Procedure (hereafter 'Cr.PC' for short) issued to the applicant, he failed to appear before the Investigating Officer.

3. My attention is invited to the order dated November 11, 2022 passed by this Court (Coram: Smt. Bharati Dangre, J.) in Anticipatory Bail Application No.3112 of 2022. Paragraph 2 reads thus: -

"2. In the wake of the decision of the Hon'ble Apex Court in case of Satender Kumar Antil vs. CBI 2022 SCC online SC 825. It is imperative that the notice is issued under section 41A of Cr.P.C in case of offences which are punishable with imprisonment up to 7 years and in terms of the order issued by the Director General of Police Vide direction No. 3 of 2022 dated 20/07/2022. The Investigating Officer has issued the notice as directed and the applicant is duty bound to abide by the said notice.

The learned counsel for the applicant state that the applicant shall report to the Investigating Officer within a period of 7 days from today. Upon her presence the Investigating Officer shall investigate her and before he arrive at the conclusion that the custodial interrogation of the applicant is necessary he shall record reasons in writing to that effect. In case if he want to effect the arrest in the wake of the reasons recorded by him he shall give 72 hours notice in advance to the applicant."

4. Learned counsel for the applicant, on instructions, submitted that the applicant had no intention whatsoever to avoid the process of Section 41A of the Cr.PC, but as he was at his native place he was not in a position to attend the police station in response to the notice under Section 41A of the Cr.P.C. Learned counsel for the applicant assures that the applicant would attend the Investigating Officer in response to the notice under Section 41A of the Cr.P.C. on 24th, 25th and 26th November, 2022 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called. The statement is accepted.

5. Upon the applicant reporting to the Investigating Officer, he shall investigate him and before the Investigating Officer arrives at the conclusion that the custodial interrogation of the applicant is necessary he shall record reasons in writing to that effect. In case if he wants to effect the arrest in the wake of the reasons recorded by him he shall give 72 hours notice in advance to the applicant.

6. The application is disposed of.

(M. S. KARNIK, J.)