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

ANTICIPATORY BAIL APPLICATION NO.3249 OF 2022

SHAMIM AHMED IMTIYAZ KHAN & ANR. ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Ashish Raghuvanshi for the applicants.

Mr. S. H. Yadav, APP for State.

Mr. Ajit Lonkar, PSI, Sakinaka 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 the offence punishable under Sections 323, 324, 354, 504 read with 34 of the Indian Penal Code in connection with C.R.No.2134 of 2022 dated October 17, 2022 registered with Sakinaka Police Station, Mumbai.

2. The applicants, who are doctors, against whom allegations are made by the complainant, were served with a notice under Section 41A of the Code of Criminal Procedure (hereafter 'the Cr.PC' for short) on November 20, 2022. Though they were asked to report to the

Investigating Officer on November 22, 2022, they preferred to approach the Sessions Court for anticipatory bail. The Sessions Court rejected the application on November 17, 2022.

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. In this view of the matter, learned counsel for the applicants states that the applicants shall report to the Investigating Officer on 28th and 29th 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 applicants reporting to the Investigating Officer, he shall investigate them and before the Investigating Officer arrives at the conclusion that the custodial interrogation of the applicants 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 applicants.

6. The application is disposed of.

(M. S. KARNIK, J.)