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

ANTICIPATORY BAIL APPLICATION NO.3251 OF 2022

Smt. Vishala Muluru Gambhira .Applicant
vs.
State of Maharashtra ..Respondent

Mr. Ghanshyam Upadhyay a/w Mr. Aakash Mishra and Ms.
Hemangi Upadhyay i/b Law Juris, for applicant.
Ms.A.A. Takalkar, APP for respondent.
Mr. Tanaji Patil, PSI, Vanrai Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 22, 2022

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for pre-arrest bail in respect of First Information Report ("FIR", for short) No. 0548 of 2022 registered with Vanrai Police Station for the offence punishable under sections 420, 406 r/w 34 of Indian Penal Code, 1860, against the husband of the applicant.
- 3.** It is the contention of the learned counsel for the applicant that the name of the applicant is not mentioned in

the FIR and that the applicant is not arraigned as an accused. Learned APP submits that the notice under section 41A of the Code of Criminal Procedure, 1973 ("Crpc", for short) is issued as the Investigating Officer wants to investigate the matter further regarding the complicity of the applicant, but the applicant did not report. Learned counsel for the applicant submitted that the applicant is presently in South Africa and she is coming back on 25/11/2022. It is the categorical statement that the applicant will report to the Investigating Officer on any date post 25/11/2022. Learned APP on instructions of the Investigating Officer submits that the applicant is required to report the Investigating Officer on 28/11/2022, 29/11/2022 and 30/11/2022 between 11.00 a.m. to 1.00 p.m. Learned counsel for applicant assures that the applicant would appear on the aforesaid dates in terms of the standing order of the Director General of Police issued in terms of section 41A of CrPC. If the Investigating Officer upon recording the statement of the applicant, or upon making enquiry, wants to arrest the applicant, 72 hours

notice will be served on the applicant.

4. The application is disposed of.

(M. S. KARNIK, J.)