

Diksha Rane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3292/2022

NITIN SHAMRAO JOSHI AND ANR. ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Tripti Shetty a/w. Mr. Sachin Joshi for the applicants.

Mr. S. V. Gavand, APP for State.

Mr. Sachin Barate, PSI, Thane Nagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 25, 2022.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for pre-arrest bail in connection with the offence punishable under Sections 406, 420 read with 34 of the Indian Penal Code registered vide C.R.No.0178 of 2022 with the Thane Nagar Police Station.
- 3.** Learned APP makes a grievance that despite

attempting to serve the notice under Section 41A of the Code of Criminal Procedure (hereafter 'the Cr.PC' for short), every possible attempt is being made by the applicants to evade the service.

4. Learned counsel for the applicants, on instructions, submits that there was no such intention on the part of the applicants and there is some misunderstanding and to show her bonafide learned counsel on instructions submits that the applicants are willing to accept Section 41A Cr.PC notice which has been handed over today.

5. Learned APP on instructions of the Investigating Officer submitted that should the applicants present themselves on 5th, 6th and 7th December, 2022, between 11.00 a.m. to 1.00 p.m., they can proceed ahead with the investigation.

6. Learned counsel for the applicants assures that the applicants shall be attending the Investigating Officer on 5th, 6th and 7th December, 2022, between 11.00 a.m. and 1.00 p.m., without fail and thereafter as and when called. Statement accepted. They will co-operate with the

Investigating Officer. Thereupon, 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.)