

Diksha Rane

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

ANTICIPATORY BAIL APPLICATION NO.3331 OF 2022

Digitally
signed by
DIKSHA
DINESH
RANE
Date:
2022.11.30
19:48:11
+0530

USAMA SUMAR ALI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Milind A. Ingole for the applicant.

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

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 30, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. By an order dated November 18, 2022 passed by this Court, the following directions came to be issued in Anticipatory Bail Application No. 3212 of 2022: -

"2. Learned counsel for the applicant makes a categorical statement that the applicant is desirous of reporting to the Investigating Officer and render his co-operation. He states that the applicant shall appear before the Investigating Officer during the course of the day. The statement is accepted.

Upon his appearance, the Investigating Officer shall follow the mandate set out under Section 41-A of Cr.P.C. and shall record reasons in writing, in case, he comes to the conclusion that the arrest is necessary. Before effecting the arrest for the purpose of custodial interrogation, he shall serve 72 hours notice to the applicant."

3. Accordingly, the applicant reported. By this application for pre-arrest bail, it is pointed out by the applicant that a notice of arrest has been issued by the Investigating Officer on November 27, 2022. In the said notice it has been mentioned that the applicant did not remain present before the Investigating Officer and therefore the arrest is imperative. It is on account of the applicant not reporting to the Investigating Officer that the 72 hours notice of arrest is issued. Learned counsel for the applicant submits that the applicant is always willing to co-operate with the investigation and in fact reported.

4. Since the statement is made that the applicant is willing to co-operate, the applicant to report to the Investigating Officer on 1st, 2nd and 3rd December, 2022, between 11.00 a.m. and 1.00 p.m. In case the arrest is

imperative, fresh notice be issued stating the reasons pursuant to the applicant attending the Investigating Officer. Before the arrest for the purpose of custodial interrogation, the Investigating Officer to serve 72 hours notice to the applicant.

5. The applicant shall furnish the details of his residential address and phone numbers to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)