

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

ANTICIPATORY BAIL APPLICATION NO. 3381 OF 2022

Goldie Sud	...Applicant
Versus	
The State Of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 3384 OF 2022**

Inderjeet Singh Chadha @ Supremo Singh Chadha	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Goldie Sud applicant in person.
Mr. Shreeram Shirsat for applicant in ABA No. 3384/2022.
Mr. S.V. Gavand, APP for State.
Mr. Kumbhare PSI, Khar Police Station is present.

CORAM: M. S. KARNIK, J

DATED: DECEMBER 6, 2022

PC:-

1. Heard party in person in ABA No. 3381 of 2022 and learned counsel for the applicant in ABA No. 3384 of 2022.
2. These are applications for pre-arrest bail in respect of an offence allegedly committed under sections 380, 341, 427, 120-B of Indian Penal Code, 1860 in connection with C.R. No. 1286 of

2022 registered with Khar Police Station. The First Information Report came to be registered on 20/11/2022.

3. My attention was invited to the order dated 24/11/2022 passed by the Trial Court which reads thus :-

“Perused the application and the documents filed alongwith it.

2. Heard learned counsel for the applicant. The learned APP submits that he received a copy of the application today only, and wants time to file reply. He further submits that in order to decide the present applicant in proper prospective, filing the reply is necessary. The counsel for the applicant has prayed for ad-interim relief. Having regard to nature of the crime, way of occurrence of the incident as coming out from the contents of the FIR, I am of the view that before granting any relief to the applicant, it is necessary to have on record reply of the prosecution. Consequently, I am of the view that no case is made out for grant of ad-interim anticipatory bail. Hence, prayer of granting ad-interim anticipatory bail is rejected.”

4. Learned APP on instructions fairly pointed out that even before the notice under section 41A of the Code of Criminal Procedure, 1973 (hereafter ‘Cr.P.C.’, for short) is issued, the applicants approached to the Trial Court for grant of pre-arrest bail. Learned APP submits that notice under section 41A would be issued by the investigating officer.

5. Considering that the notice is to be issued, applicants’ stand

would obviously be covered the law laid down by the Supreme Court in the case of **Satender Kumar Antil vs. CBI**¹ and the standing order of the Director General of Police vide direction no. 3 of 2022 dated 20/07/2022. The notice under section 41A of Cr.P.C. would be taken to its logical consequences. Since the main application is pending before the Sessions Court, this aspect will be brought to the notice of the Trial Court about the issuance of notice under section 41A, whereupon the Trial Court may pass the appropriate orders.

6. Since the applicants are protected in view of the stand taken by the learned APP that the notice under section 41A of Cr.P.C. would be issued, the apprehension of the applicants really does not survive.

7. Applications are disposed of.

(M. S. KARNIK,J.)

1 2022 SCC online SC 825