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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3432 OF 2022**

Chirag Yashwant Shah and ors. ..Applicants

vs.

State of Maharashtra ..Respondent

Adv. A. M. Bhatia for applicant.

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

Mr. Sawant, PSI, Gamdevi Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 12, 2022

P.C. :

1. Heard learned counsel for the applicants and learned APP.

2. In the present matter, the chargesheet was already filed. Pursuant to the application made, the competent Court ordered a re-investigation. From the reply filed by the Investigating Officer before the competent Court, the applicants apprehend that in view of the added offence under the Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (hereafter 'MOFA' for short), the applicants are likely to be arrested.

3. Learned APP, on instructions of the Investigating Officer, submits that having regard to the offences involved, there will have to be compliance of the provisions of Section 41A of the Code of Criminal Procedure. On instructions, it is stated that 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 will effect the arrest after giving 72 hours notice in advance to the applicants.

4. The application is disposed of.

(M. S. KARNIK, J.)