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

ANTICIPATORY BAIL APPLICATION NO.65 OF 2023

Shailesh Prajapati	..Applicant
VS.	
The State of Maharashtra	..Respondent

Mr. Birnardo Reis a/w Mr. Shailesh Rai i/b Shailesh Rai, for the Applicant.

Mr. S. H. Yadav, APP for the State.

PI- Mr. Prakash Pawar, Samtanagar Police Station present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP.
2. This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R.No. 1469 of 2022 dated 05/12/2022 registered with Samta Nagar Police Station for offence punishable under sections 354 and 354A of the Indian Penal Code, 1860 and sections 8 and 12 of the the Protection of Children from Sexual Offences Act, 2012 ("POCSO", for short).

3. The victim accompanied by her mother registered a complaint on 05/12/2022. It is alleged that the applicant committed offence against the victim under the aforesaid sections sometime in October-November 2022. If the applicant is found guilty, the maximum punishment for the offence under the aforesaid sections is 5 years imprisonment. Admittedly, no notice under section 41A of the Code of Criminal Procedure ("CrPC", for short) has been issued. The investigating officer is present. The investigating officer tried to serve a notice under section 41A of CrPC on the applicant, but submits that the applicant is not traceable. Learned counsel for the applicant submits that the applicant is willing to accept notice under section 41A of the CrPC and co-operate with the investigation. The applicant to remain present before the investigating officer on 13/01/2023 or on 16/01/2023 at 11.00 a.m. and accept the notice issued under section 41A of CrPC. The investigating officer then to proceed in accordance with law after the applicant's accepting notice issued under section 41A of CrPC. The applicant to follow the procedure

prescribed and co-operate. If the investigating officer finds that arrest is necessary, 72 hours notice shall be given to the applicant. Liberty to apply. Application is disposed of.

(M. S. KARNIK, J.)