

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

ANTICIPATORY BAIL APPLICATION NO. 2465 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.09.02
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Sheshrao Tukaram Kamble ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Aditya Andhorikar, for the Applicant.
Mr. R. M. Pethe, APP for the State/Respondent.
Mr. Nilkant Rathod, PSI, CID, Solapur, present.

CORAM: N. J. JAMADAR, J.
DATED: 31st AUGUST, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This application is preferred for pre-arrest bail in connection with CR No.68 of 2016, registered with Sadar Bazar Police Station, Solapur, for the offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The applicant apprehended arrest in the above-numbered CR as a notice was served on the applicant on 12th June, 2023 to join in the investigation.
4. The learned Additional Sessions Judge declined to exercise the discretion primarily on the ground that the said

notice was purportedly issued on 12th June, 2022 and the applicant had not attended the police station pursuant to the said notice for more than a year.

5. The learned Counsel for the applicant submits that, in fact, under the said notice the applicant was directed to appear before the Investigating Officer on 14th June, 2023. The learned APP fairly submits that the notice given to the applicant bears an incorrect year '2022' and, in fact, it was issued in the year '2023'.

6. Since the applicant is not named in the first information report and the prayer of the applicant for pre-arrest bail has not been considered by the learned Additional Sessions Judge on merits, it may be appropriate to direct the applicant to appear before the Investigating Officer on 6th and 7th September, 2023 in between 10.00 am to 1.00 pm.

7. In the event, the Investigating Officer proposes to arrest the applicant, 72 hours notice be given to the applicant. In case such notice is given, the applicant may work out his remedies before the jurisdictional Court.

8. Application stands disposed.

[N. J. JAMADAR, J.]