



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 414 OF 2024

Prashant Kanhaiyalal ChaudharyApplicant

VERSUS

The State Of Maharashtra And AnotherRespondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 413 OF 2024

Gaurav Prakash Chaudhary And Another ...Applicants

VERSUS

The State Of Maharashtra And AnotherRespondents

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Ms. Pradnya Talekar h/f. Talekar and Associates, Advocate for applicants.

Mr. A.R. Kale, APP for respondent-State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th MARCH, 2024

ORDER :

1. Learned advocate for applicants argued the matter in the morning session and this Court was inclined to grant interim protection. Latter, learned APP mentioned the matter stating that applicants are already arrested by Nandurbar Police, with the help of Goa Police. Learned APP therefore was directed to get instructions from officers of the Nandurbar police, who have

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gone to Goa to arrest applicants.

2. PSI Mukesh Pawar from Goa has forwarded written instructions to learned APP stating that at 11.15 am, both applicants are arrested.

3. Learned advocate for applicants disputes this position stating that no memorandum of arrest is prepared and therefore applicants cannot be said to be under arrest. She further claims that this is done only to deprive the applicants of interim protection.

4. Section 46(1) of Cr.P.C., deals with how the arrest is to be made, it provides that, "*In making an arrest the police office or other person making the same 'shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action'*". In this view of the matter, argument of learned advocate for applicants is unacceptable.

5. Considering the fact that applicants are arrested by police at 11.15 am, both the applications are rendered *infructuous* and same are disposed of as such.

[NITIN B. SURYAWANSHI, J.]

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