

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3176 OF 2024

Pramod Kumar Behera and Anr. .. Petitioners

Versus

The State of Maharashtra and Anr. .. Respondents

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Mr.Sanjeev Kadam a/w Mr.Sandesh More, Mr.Hemant Ghadigaonkar and Mr.Hitendra Gandhi and Mr. Nikhil Kamble, for the Petitioners.

Ms M. M. Deshmukh, APP, for the State.

Ms Poonam Shivaji Jadhav, API, Cyber Police Station, West Region, Mumbai, is present.

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CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 31st JULY, 2024

P.C:-

1. The Petition is filed seeking issuance of writ in the nature of habeas corpus seeking production of the petitioners by submitting that, they were illegally arrested and wrongfully detained by the Respondent No. 2, in connection with CR No. 07 of 2024, registered with Cyber Crime Department, West Zone, Mumbai.

The learned counsel, Mr. Kadam would submit that, the arrest was in violation of Section 41 and 41A of the Code of Criminal Procedure, 1973.

2. In response to the Petition, the learned APP would submit that, in fact notice under Section 41(1)(b) of the Cr.P.C. was given to the petitioners which was duly received by them, which had disclosed reasons for their arrest. Mr. Kadam denies of any such notice being issued to the petitioners. Hence, we direct the Respondent No. 2 to file an affidavit in that regard within a period of one week from today.

Needless to state that, the copy of the affidavit shall be served in advance to the learned counsel for the petitioners.

Re-notify to 08.08.2024.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)