



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) No.412 OF 2026

(Nikes s/o. Devidas Meshram Vs. The State of Maharashtra, through P.S.O. Police Station
Chamorshi, Tq. Chamorshi, Distt. Gadchiroli)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.M. Chandekar, Advocate for applicant.
Ms. S.N. Thakur, APP for respondent.

CORAM : **PRAVIN S. PATIL, J.**

DATE : **10th JUNE, 2026.**

1. Heard.
2. One of the grounds raised by the present applicant in the present matter is that the notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 was not served on the applicant or his family members in the matter, though the punishment for the offence is not more than seven months. Learned A.P.P. has admitted this fact that the notice was not served on the applicant or any family member of the applicant.
3. In addition to above, it is also pertinent to note that the F.I.R. was registered against the unknown person and during the course of investigation on the statement of one co-accused the name of the present applicant is included in the present matter. As such, considering this aspect of the matter in my opinion the law laid down by the Hon'ble Supreme Court of India in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another, reported in (2022)10 SCC 51**, whereby specific guidelines are incorporated, are required to be followed by the Investigation Officer. According to the said guidelines failure on the part of Investigation Officer to issue

notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 would entitle the accused for grant of bail.

4. In the present matter charge-sheet is filed against other accused person. Applicant being absconding, right is reserved in charge-sheet to file supplementary charge-sheet against the applicant.

5. In the facts and circumstances, in my opinion, the applicant can be granted interim protection with liberty to the Investigation Officer to issue notice under Section 35(3) to applicant and if any explanation is tendered by applicant, then by following due procedure of law take appropriate steps in accordance with law.

6. In the circumstances, following order is passed :

ORDER

(i) The application is partly allowed.

(ii) It will be open to the Investigation Officer to issue notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 in the event he intends to effect the arrest of applicant such notice be issued within seven days from the date of this order.

(iii) The applicant is granted interim protection in the Crime No.0045/2026, for the offence punishable under Sections 331(3) and 305(a) of Bharatiya Nyaya Sanhita, 2023 till he approach to the Sessions Court for anticipatory bail. This protection shall remain continue for a period of 15 days.

(iv) The learned Sessions Judge shall decide the bail application if so desired on its own merits without being influence of any findings recorded by this Court in the

present matter.

(v)

The application is disposed of.

(PRAVIN S. PATIL, J.)

Wadode