Diksha Rane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3175 OF 2022

FARHAN MOHD TAYEB SHAIKH   ..APPLICANT
     VS.
STATE OF MAHARASHTRA AND ANR.   ..RESPONDENTS

Mr. Gaurav Bhawnani i/b. Mr. Abdul W. Khan for applicant.

Mr. N. B. Patil, APP for State.

CORAM : M. S. KARNIK, J.

DATE   : NOVEMBER 25, 2022.

P.C. :

1.   Heard learned counsel for the applicant.

2.   The applicant faces charges under Section 509 of the Indian Penal Code, 1860 along with Section 67A of the Information Technology Act, 2000 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered vide C.R.No.1841 of 2022 with the Sakinaka Police Station.

3.   The victim is stated to be 17 years of age. Learned APP on instructions submits that the requirements of the notice under Section 41A of the Code of Criminal Procedure

1

(hereafter 'the Cr.PC' for short) need to be complied with which has not been done.

4. Should the Investigating Officer issue a notice under Section 41A of the Cr.PC, learned counsel submits that the notice shall be accepted by the applicant and he shall co-operate with the investigation.

5. Learned APP submitted that they may find it difficult to serve the notice under Section 41A of the Cr.PC on the applicant.

6. Learned counsel for the applicant submits that the applicant is willing to report to the Investigating Officer of the Sakinaka Police Station on Sunday (November 27, 2022), between 11.00 a.m. and 1.00 p.m. when he shall accept the notice under Section 41A of the Cr.PC. Statement accepted.

7. Upon issuance of notice, in case the Investigating Officer wants to effect arrest if he feels that arrest is imperative in the wake of the reasons recorded by him, he may effect the arrest after giving 72 hours notice in advance to the applicant. The applicant to furnish the

details of his residential address and contact numbers to the Investigating Officer.

8. The application is disposed of.

(M. S. KARNIK, J.)