

Diksha Rane

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

ANTICIPATORY BAIL APPLICATION NO.3270/2022

TUSHAR BALU SHINDE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Mithilesh Mishra i/b. Agastya Desai for the applicant.
Ms. P. N. Dabholkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 23, 2022.

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for pre-arrest bail for the offence punishable under Sections 420, 509 of the Indian Penal Code read with Section 66 (C), 67 of the Information Technology Act, 2000 registered with Chembur Police Station on March 13, 2020.
3. Learned APP submitted that as the applicant was not traceable almost for 2 years, the notice under Section 41A of the Code of Criminal Procedure (hereafter 'the Cr.PC' for short) could not be issued.

4. Learned counsel for the applicant submitted that the applicant was always in Pune and had no intention to avoid the process of investigation. He was not aware that the offence has been registered against him. Learned APP, on instructions, submits that the applicant will again avoid to accept Section 41A Cr.PC notice. Learned counsel for the applicant submitted that he will attend the police station to collect the notice under Section 41A of the Cr.PC to allay any apprehension of the Investigating Officer. It is the contention of learned counsel for the applicant that he is willing to return the money which he had taken from the complainant's daughter.

5. Learned APP submitted that the applicant had threatened the complainant on telephone to withdraw the complaint. According to learned counsel for the applicant, the applicant had only informed the complainant that he was willing to refund the amount. All these aspects may be investigated into by the Investigating Officer. It is made clear that the applicant shall not threaten or try to establish contact with the complainant or his daughter.

6. In this view of the matter, the applicant to report to the Investigating Officer of the Chembur Police Station on Saturday (November 26, 2022) at 11.00 a.m. when it is open for the Investigating Officer to serve the notice under Section 41A of the Cr.PC on the applicant.

7. Upon serving the notice under Section 41A of the Cr.PC, the applicant shall present himself before the Investigating Officer on such dates as the Investigating Officer may direct him whereupon he shall co-operate with the investigation.

8. In case the Investigating Officer feels that the custodial interrogation is necessary, he shall give 72 hours notice in advance to the applicant after recording reasons.

9. The applicant to furnish the details of his residential address and contact numbers to the Investigating Officer.

10. The application is disposed of.

(M. S. KARNIK, J.)