



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.1829 OF 2022
(CNR NO.MHCC05-006105-2022)

1. Mr. Mohanlal Bhawarlal Pokharna (Jain))
Age-68 Years, Indian adult)
 2. Mr. Kamlesh Mohanlal Pokharna (Jain))
Age-42 Yars, Indian adult,)
 3. Mr. Kiran Mohanlal Pokharna (Jain))
Age-36 Years, Indian adult)
All presently residing at Flat Nos.1803 &)
1804, Kabra Argentum, Unnat Nagar, S.V.)
Road, Goregaon (W), Mumbai – 400 104.) ..Applicants
- Versus
- The State of Maharashtra)
Goregaon Police Station, Mumbai) ..Respondent

Adv. Mr. Manish Rathod for the applicants.
APP Mr. Shailesh Pachapohar for the State.

Coram : His Honour Addl. Sessions Judge,
Ashish Ayachit
(C.R.No.8)
Date : 2nd December, 2022.

ORDER

This is an application for anticipatory bail under Section
438 of Cr.P.C.

2. Perused the application and say of Investigation Officer.

3. It revealed that no offence is registered against the applicants. According to the police say, report has been lodged against the applicants regarding cheating and deceiving and enquiry is going on. It revealed from the documents that the Investigation Officer issued notice to the applicants and directed them to appear for enquiry. The applicants have replied the notice. As such, there is no offence registered and only police enquiry is going on. In such circumstances, there is no need to grant anticipatory bail to the applicants.

4. The applicants pray for passing order to give 72 hours notice in case of registration of FIR. However, the Investigation Officer can be directed to follow directions of the Hon'ble Supreme Court of India in the case of *Arnesh Kumar Vs. State of Bihar & Anr.* and section 41A of CrPC. before making arrest of the applicant. I, therefore, pass the following order :-

ORDER

Anticipatory Bail Application No.1829/2022 stands disposed off with directions to the Investigation Officer to follow directions of the Hon'ble Supreme Court of India given in the case of *Arnesh Kumar Vs. State of Bihar & Anr.* decided by the Hon'ble Apex Court in Criminal Appeal No.1277/2014 on 2.07.2014 and section 41A of CrPC. before making arrest of the applicant.

Date: 2.12.2022

(Ashish Ayachit)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi
Goregaon, Mumbai

Dictated by HHJ on : 2.12.2022
Transcribed on : 2.12.2022
Signed by HHJ on : 2.12.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE

AND TIME :05.12.2022 5.43 P.M.

ATUL SURYAKANT BHOGTE

NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri Ashish Ayachit (Court Room No.8)
Date of Pronouncement of Judgment/Order	02.12.2022
Judgment/Order signed by P.O. on	02.12.2022
Judgment/Order uploaded on	05.12.2022