IN THE COURT OF SESSIONS FOR GREATER BOMBAY
ANTICIPATORY BAIL APPLICATION NO.2789 OF 2022
(CNR-MHCC02-017092-2022)

1. Mr. Sandip Madhookant Shah
An adult Indian Inhabitant
Aged about 70 years, Occu.: Business,
Residing at: 19, Jaybharat Society,
3rd Road, Khar (West),
Mumbai – 400 052.
2. Raju Shivram Londhe
an adult Indian Inhabitant
Aged about 47 years, Occu.: Business,
Residing at: 286, Ground Floor,
Jai Shivaji Nagar, J.D. Ambekar Marg,
Wadala, Mumbai – 400 031. .... Applicants

V/s

The State of Maharashtra
(At the instance
of Santacruz Police Station
C.R.No.1242/2022) ....Respondent

Adv. Mr. Siddharth Jadhav for the applicants.
APP Mr. O. S. Maraskolhe for the State/respondent.

Coram : K. P. Shrikhande,
Additional Sessions Judge
Gr. Mumbai.
C. R. No. 10

ORDER BELOW EXH.1
(Dated 21st December, 2022)

This is an application moved by the applicants under section 438 of the Code of Criminal Procedure for grant of anticipatory bail. It is appearing from the submission of the learned counsel for the

applicants and also from copy of A.B.A. No.1981/2022 placed on record that the applicants had earlier applied for the anticipatory bail and the said anticipatory bail application was disposed off by the order dated 19.09.2022 with observations that "*Investigating Officer shall follow the provision of Section 41A of Cr.P.C. and shall serve 72 hours prior notice on the applicants, if he chooses to arrest them*". It is appearing that the Investigation Officer has served the notice under Section 41A of Cr.P.C. and therefore, the applicants have approached to this Court. However, it must be observed that by the order dated 19.09.2022, protection to the applicants has already been given by requiring the investigation officer to serve '72 hours prior notice' on the applicants, if he chooses to arrest them. It is not appearing that such notice has been served on the applicants, or intention to arrest has been communicated. Investigation Officer PSI- Vijay Sardesai is present and he submitted that arrest notice is not yet served on the applicants. Therefore, this anticipatory bail application is pre-mature. Hence, I proceed to pass the following order:-

ORDER

The Anticipatory Bail Application No.2789 of 2022 being pre-mature is hereby rejected and disposed off accordingly.

KRISHNA PUNJARAMJI SHRIKHANDE
Digitally signed by KRISHNA PUNJARAMJI SHRIKHANDE
Date: 2022.12.22 15:44:21 +0530

DISTRICT COURTS MAHARASHTRA
सत्यमेव जयते

(K. P. Shrikhande)
Additional Sessions Judge,
Gr. Mumbai

Date.21.12.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
22.12.2022 at 03.45 p.m. **UPLOAD DATE AND TIME**	**(Mr. S. V. AMBEKAR)** **NAME OF STENOGRAPHER**

Name of the Judge	**HHJ SHRI K. P. SHRIKHANDE (COURT ROOM NO.10)**
Date of pronouncement of judgment/order	**21.12.2022**
Judgment/order signed by P.O. on	**22.12.2022**
Judgment/order uploaded on	**22.12.2022**