



The Code of Criminal Procedure (Bombay Amendment) Act, 1954

Act 71 of 1954

Keyword(s):

Central Act Amendment, The Code of Criminal Procedure, 1973, CrPC

Amendments appended: 23 of 1976, 1 of 1978, 34 of 1981, 60 of 1981, 24 of 1993, 21 of 1999, 8 of 2005, 27 of 2007, 33 of 2014

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Replacement Series No. LXXIII—p. 76

1954 : Bom. LXXI] *The Code of Criminal Procedure (Bombay
Amendment) Act, 1954*

4309-4312

(BOMBAY ACT No. LXXI OF 1954)

[THE CODE OF CRIMINAL PROCEDURE, 1898 (5 OF 1898) STANDS REPEALED BY SECTION 484 OF THE CODE OF CRIMINAL PROCEDURE, 1973 (2 OF 1974). CONSEQUENTLY THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1954 (BOM. LXXI OF 1954), AT PAGES 4309-4312, CEASES TO BE IN OPERATION AND HENCE REMOVED.]

**THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT)
ACT, 1954.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 17 of Act V of 1898.
3. Amendment of section 41 of Act V of 1898.
4. Amendment of section 144 of Act V of 1898.
5. Amendment of section 435 of Act V of 1898.
6. Insertion of new section 539D in Act V of 1898.
7. Amendment of Schedule IV to Act V of 1898.

BOMBAY ACT No. LXXI OF 1954.¹

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1954.]

[29th November 1954]

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay.

V of 1898 WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay for the purposes hereinafter appearing; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

1. This Act may be called the Code of Criminal Procedure (Bombay Amend- Short title. ment) Act, 1954.

V of 1898. 2. In sub-section (4) of section 17 of the Code of Criminal Procedure, 1898 Amendment of section 17 of Act V of 1898. (hereinafter referred to as the said Code), for the words " by the District Magistrate and such Judge or Magistrate " the words and brackets " by a Civil Judge (Senior Division), or if there be no Civil Judge (Senior Division), by the Sessions Judge or Additional or Assistant Sessions Judge of an adjoining Sessions Division, and such Judge " shall be substituted.

3. In section 41 of the said Code, after sub-section (2), the following sub-section shall be inserted, namely :— Amendment of section 41 of Act V of 1898.

" (3) Any powers conferred by the Sessions Judge may be withdrawn by the Sessions Judge with the approval of the High Court. "

4. In section 144 of the said Code, sub-section (5A) shall be deleted. Amendment of section 144 of Act V of 1898.

5. In sub-section (4) of section 435 of the said Code, after the words " an Executive Magistrate " the words " or the Commissioner of Police, as the case may be " shall be inserted. Amendment of section 435 of Act V of 1898.

6. After section 539C of the said Code, the following new section shall be inserted, namely :— Insertion of new section 539D in Act V of 1898.

" 539D. Any Justice of the Peace (not being a legal practitioner) shall be entitled to attest, verify or authenticate documents brought before him for the purpose of attestation, verification or authentication, as the case may be, and to affix such seal thereon as may be prescribed by the State Government by notification in the *Official Gazette*. " Attestation, etc., of documents and use of seal by Justices of the Peace.

7. In Part I of Schedule IV to the said Code,—

(i) in sub-part (A), entry 5 shall be deleted ;
(ii) in sub-part (B), after entry 2, the following entry shall be inserted, namely :—

" 3. *Power to transfer cases, section 192.* "

Amendment of Schedule IV to Act V of 1898.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette, Part V, pp. 271-272.*
(G.O.P.) MO-4 H 4966—29

**THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA
AMENDMENT) ACT, 1976.**

CONTENTS.

PREAMBLE

SECTIONS

1. Short title.
2. Insertion of section 14A in Act 2 of 1974.
3. Amendment of section 18 of Act 2 of 1974.

MAHARASHTRA ACT No. XXIII OF 1976.¹

[THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA AMENDMENT)
ACT, 1976.]

[9th June 1976]

**An Act to amend the Code of Criminal Procedure, 1973, in its application to the
State of Maharashtra.**

² of WHEREAS it is expedient to amend the Code of Criminal Procedure, 1973, in its
1974. application to the State of Maharashtra, for the purposes hereinafter appearing ;
It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Code of Criminal Procedure (Maharashtra Amend- Short title:
ment Act, 1976.

² of 2. After section 14 of the Code of Criminal Procedure, 1973, in its application Insertion of
1974. to the State of Maharashtra (hereinafter referred to as " the said Code "), the follow- section 14A
ing section shall be inserted, namely :— in Act 2 of
1974.

" 14A. The High Court may invest any Judicial Magistrate with all or any Investing
of the powers conferred or conferrable by or under this Code upon a Judicial Judicial
Magistrate in respect to particular cases or to a particular class or classes of cases Magistrates
or in regard to cases generally in any local area consisting of all or any of the with jurisdic-
districts specified by it in this behalf. " tion in
specified
cases or
local area.

3. In section 18 of the said Code, in sub-section (1), for the words " in any metro- Amendment
politan area " the words " in one or more metropolitan areas " shall be substituted. of section 18
of Act 2 of
1974.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1976, Part V, page 288.

**THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA
AMENDMENT) ACT, 1977.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 145 of Act 2 of 1974.
3. Amendment of section 147 of Act 2 of 1974.
4. Amendment of section 478 of Act 2 of 1974.
5. Savings of proceedings pending before Executive Magistrate in Greater Bombay under sections 145 to 147 of Act 2 of 1974.

MAHARASHTRA ACT No. I OF 1978.¹

[THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA AMENDMENT) ACT, 1977.]

[13th January 1978]

(Assented to by the President)

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra.

2 of 1974. WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Maharashtra Amendment) Act, 1977. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2 of 1974. 2. In section 145 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter referred to as "the said Code"),— Amendment of section 145 of Act 2 of 1974.

(a) in sub-section (1) for the words "Whenever an Executive Magistrate" the words "Whenever in Greater Bombay, a Metropolitan Magistrate and elsewhere in the State, an Executive Magistrate" shall be substituted;

(b) for sub-section (10), the following sub-section shall be substituted, namely:—

"(10) In the case of an Executive Magistrate taking action under this section nothing in this section shall be deemed to be in derogation of his power to proceed under section 107. In the case of a Metropolitan Magistrate taking action under this section, if at any stage of the proceeding, he is of the opinion that the dispute calls for an action under section 107, he shall, after recording his reasons, forward the necessary information to the Executive Magistrate having jurisdiction, to enable him to proceed under that section."

3. In section 147 of the said Code, in sub-section (1), for the words "Whenever an Executive Magistrate" the words "Whenever in Greater Bombay, a Metropolitan Magistrate and elsewhere in the State, an Executive Magistrate" shall be substituted. Amendment of section 147 of Act 2 of 1974.

4. In section 478 of the said Code, in clause (b), for the words "to an Executive Magistrate shall be construed" the words "to an Executive Magistrate in the areas of the State outside Greater Bombay shall be construed" shall be substituted. Amendment of section 478 of Act 2 of 1974.

5. If any proceedings under section 145, 146 or 147 of the said Code are pending before any Executive Magistrate in Greater Bombay on the day immediately preceding the date of commencement of this Act, they shall be continued, heard and disposed of by that Magistrate, as if this Act had not been passed. Saving of proceedings pending before Executive Magistrates in Greater Bombay under sections 145 to 147 of Act 2 of 1974.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1977, Part V, p. 360.

**THE CODE OF CRIMINAL PROCEDURE
(MAHARASHTRA AMENDMENT) ACT, 1998**

CONTENTS

PREAMBLE

SECTIONS

1. Short title.
2. Amendment of section 125 of Act II of 1974.
3. Amendment of section 127 of Act II of 1974.

MAHARASHTRA ACT No. XXI OF 1999¹.

[THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA
AMENDMENT) ACT, 1998.]

(This Act received the assent of the President on the 9th April 1999; assent was first published in the *Maharashtra Government Gazette*, Extrordinary, Part IV on the 20th April 1999.)

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra.

WHEREAS the Government of Maharashtra has announced a policy for women with a view to promote welfare of women ;

AND WHEREAS for implementation of the said policy the Government of Maharashtra has, *inter alia*, decided to suitably amend the provisions of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, providing for raising the ceiling on maintenance allowance payable under section 125 of the Code, payment of interim maintenance allowance and payment of lump-sum maintenance allowance for a specific period in lieu of monthly payment of maintenance allowance for that period, in deserving cases, where the applicant is a wife ;

AND WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, for the purposes aforesaid; It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :—

Short title. 1. This Act may be called the Code of Criminal Procedure (Maharashtra Amendment) Act, 1998.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Extraordinary, Part VA, dated the 27th July 1998, p. 489.

2 of
1974.

2. In section 125 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter referred to as "the said Code"),—

Amendment
of section
125 of Act
2 of 1974.

(a) in sub-section (1),—

(i) for the words "not exceeding five hundred rupees" the words "not exceeding fifteen hundred rupees" shall be substituted ;

(ii) before the existing proviso, the following proviso shall be inserted, namely :—

"Provided that, the Magistrate, on an application or submission being made, supported by an affidavit by the person who has applied for the maintenance under this sub-section, for payment of *interim* maintenance, on being satisfied that, there is a *prima facie* ground for making such order, may direct the person against whom the application for maintenance has been made, to pay a reasonable amount by way of *interim* maintenance to the applicant, pending the final disposal of the maintenance application :

Provided further that, such order for payment of *interim* maintenance may, in an appropriate case, also be made by the Magistrate *ex-parte*, pending service of notice of the application, subject, however, to the condition that such an order shall be liable to be modified or even cancelled after the respondent is heard in the matter :

Provided also that, subject to the ceiling laid down under this sub-section, the amount of *interim* maintenance shall, as far as practicable, be not less than thirty per cent. of the monthly income of the respondent.":

(iii) in the existing proviso, for the words "Provided that" the words "Provided also that" shall be substituted ;

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Notwithstanding anything otherwise contained in sub-sections (1) and (2), where an application is made by the wife under clause (a) of sub-section (1) for the maintenance allowance, the applicant may also seek relief that the order may be made for the payment of maintenance allowance in lump-sum in lieu of the payment of monthly maintenance allowance, and the Magistrate may, after taking into consideration all the circumstances obtaining in the case including the factors like the age, physical condition, economic conditions and other liabilities and commitments of both the parties, pass an order that the

respondent shall pay the maintenance allowance in lump-sum in lieu of the monthly maintenance allowance, covering a specified period, not exceeding five years at a time, or for such period which may exceed five years, as may be mutually agreed to, by the parties.”;

(c) in sub-section (3),—

(i) after the words “so ordered” the words, brackets, figures and letter “either under sub-section (1) or sub-section (2A), as the case may be,” shall be inserted;

(ii) after the words “each month’s allowance” the words “or, as the case may be, the lump-sum allowance to be paid in lieu of the monthly allowance” shall be inserted.

Amendment
of section
127 of Act
2 of 1974.

3. In section 127 of the said Code,—

(a) in sub-section (1), in the proviso, for the words “five hundred rupees” the words “fifteen hundred rupees” shall be substituted;

(b) in sub-section (4),—

(i) for the words “monthly allowance”, where they occur for the first time, the words “maintenance allowance” shall be substituted;

(ii) after the words “monthly allowance”, where they occur for the second time, the words “or, as the case may be, the lump-sum allowance” shall be inserted.

**THE CODE OF CRIMINAL PROCEDURE
(MAHARASHTRA AMENDMENT) ACT, 2004**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 167 of Act 2 of 1974.
3. Repeal of Mah. Ord. XXXIV of 2004 and saving.

MAHARASHTRA ACT No. VIII OF 2005¹.

[THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA AMENDMENT) ACT, 2004.]

(This Act received the assent of the President on the 17th January 2005 ; assent was first published in the *Maharashtra Government Gazette*, Part IV on the 19th January 2005.)

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra.

2 of
1974. WHEREAS under the provisions of sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 an accused person arrested and detained in custody pending completion of investigation, beyond twenty four hours, has to be produced before the Magistrate having the jurisdiction for authorising the detention of the accused person in custody ;

AND WHEREAS for any extension of custody either as envisaged by the said sub-section (2) or under the proviso thereto, the services of a very large number of policemen are required to be utilised for escorting the accused persons from various Central Jails, District Jails in the State to the respective Courts and back ;

AND WHEREAS inspite of deploying such large number of policemen for the purpose, due to constant increase in the number of such accused persons required to be produced in the Courts before the Magistrates, many prisoners remain in the Jails without being produced before the Magistrates for further extension of remand in Jail ;

AND WHEREAS it is also causing much inconvenience and dislocation of the work in the routine administration of the police department ;

AND WHEREAS it is decided that production of the accused persons, otherwise than those in the police custody, through the medium of electronic video linkage, before the respective Magistrates for the purposes of extension of judicial remand would be an effective alternative for solving the said incessant problem ;

AND WHEREAS both Houses of the State Legislature were not in session ;

2 of
1974. AND WHEREAS the Governor of Maharashtra was satisfied that
Mah. circumstances existed which rendered it necessary for him to take
Ord. immediate action further to amend the Code of Criminal Procedure,
XXXIV hereinafter appearing ; and, therefore, promulgated the Code of
of 2004. Criminal Procedure (Maharashtra Amendment) Ordinance, 2004 on
the 25th November 2004;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Fifty-fifth Year of Republic of India as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Maharashtra Amendment) Act, 2004.

(2) It shall be deemed to have come into force on the 25th November 2004.

Short title
and
commence-
ment.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 2004, Extraordinary, Part V-A, page 263.

Amendment
of section
167 of Act 2
of 1974.

2. In section 167 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra,—

2 of
1974.

(a) in sub-section (2), in the proviso, for paragraph (b), the following paragraph shall be substituted, namely :—

“(b) No Magistrate shall authorise detention in any custody, of the accused person under this section unless, the accused person is produced before him in person, and for any extension of custody otherwise than the extension in the police custody, the accused person may be produced either in person or through the medium of electronic video linkage.”;

(b) in *Explanation II*, for the words “an accused person was produced” the words “an accused person was produced in person, or as the case may be, through the medium of electronic video linkage” shall be substituted.

Repeal of
Mah. Ord.
XXXIV of
2004 and
saving.

3. (1) The Code of Criminal Procedure (Maharashtra Amendment) Ordinance, 2004, is hereby repealed.

Mah.
Ord.
XXXIV
of
2004.

(2) Notwithstanding such repeal, anything done or any action taken under the Code of Criminal Procedure, 1973, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of the said Code, as amended by this Act.

2 of
1974.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

सोमवार, ऑक्टोबर १, २००७/आश्विन ९, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Code of Criminal Procedure (Maharashtra Amendment) Act, 2007 (Mah. Act No. XXVII of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVII of 2007.

(First published, after having received the assent of the President, in the "Maharashtra Government Gazette" on the 1st October 2007).

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra.

2 of 1974. WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra ; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Maharashtra Amendment) Act, 2007.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(४२९)

Amendment
of section 29
of Act 2 of
1974.

2. In section 29 of the Code of Criminal Procedure, 1973, in ^{2 of} its application to the State of Maharashtra,— 1974.

(a) in sub-section (2), for the words “ten thousand rupees” the words “fifty thousand rupees” shall be substituted;

(b) in sub-section (3), for the words “five thousand rupees” the words “ten thousand rupees” shall be substituted.

**THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA AMENDMENT)
ACT, 1981.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 24 of Act II of 1974.

MAHARASHTRA ACT No. XXXIV OF 1981.¹

[THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA AMENDMENT)
ACT, 1981.]

[This Act received the assent of the President on 20th May 1981; assent was first published in the *Maharashtra Government Gazette*, on 26th May 1981.]

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra.

II of 1974. WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Thirty-second Year of the Republic of India as follows :—

1. This Act may be called the Code of Criminal Procedure (Maharashtra Amend- Short title. ment) Act, 1981.

II of 1974. 2. In section 24 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra,—

Amendment of section 24 of Act II of 1974.

(a) in sub-section (1), the words “, after consultation with the High Court,” shall be deleted;

(b) in sub-section (4), for the words “ in consultation with the Sessions Judge,” the words “ with the approval of the State Government,” shall be substituted.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1981, Part V, page 86.

**THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA
SECOND AMENDMENT) ACT, 1981.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
2. Insertion of section 197A in Act II of 1974.

MAHARASHTRA ACT No. LX OF 1981.¹

**[THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA
SECOND AMENDMENT) ACT, 1981.]**

[This Act received assent of the President on 1st October 1981; assent was first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on 5th October 1981.]

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra.

II of 1974. WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1973 in its application to the State of Maharashtra, for the purpose hereinafter appearing; It is hereby enacted in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Maharashtra Second Short title. Amendment) Act, 1981.

II of 1974. 2. After section 197 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, the following section shall be inserted, namely:—

Insertion
of section
197A in
Act II of
1974.

V of 1908. “ 197A. When any person who is a Commissioner or Receiver appointed by a Court under the provisions of the Code of Civil Procedure, 1908, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his functions as Commissioner or Receiver, no Court shall take cognizance of such offence, except with the previous sanction of the Court, which appointed such person as Commissioner or Receiver, as the case may be.”

Prosecution
of Commis-
sioner or
Receiver
appointed
by Civil
Court,

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Substitution of section 438 of Act 2 of 1994.

[THE CODE OF CRIMINAL PROCEDURE (MAHARASHTRA AMENDMENT) ACT, 1993.]

[This Act received the assent of the President on the 28th July 1993; assent was published in the *Maharashtra Government Gazette*, Part IV, on the 5th August 1993.]

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra.

2 of 1974. WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Forty fourth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Maharashtra Short title and commencement.)
Amendment) Act, 1993.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2 of 1974. 2. For section 438 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, the following section shall be substituted, namely :— Substitution of section 438 of Act 2 of 1974.

“ 438. (1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest, he shall be released on bail; and that Court may, after taking into consideration, *inter alia*, the following factors :— Direction for grant of bail to person apprehending arre t.

(i) the nature and gravity or seriousness of the accusation as apprehended by the applicant;

(ii) the antecedents of the applicant including the fact as to whether he has, on conviction by a Court, previously undergone imprisonment for a term in respect of any cognizable offence;

(iii) the likely object of the accusation to humiliate or malign the reputation of the applicant by having him so arrested; and

(iv) the possibility of the applicant, if granted anticipatory bail, fleeing from justice,

either reject the application forthwith or issue an interim order for the grant of anticipatory bail :

Provided that, where the High Court or as the case may be, the Court of Session, has not passed any interim order under this sub-section or has rejected the application for grant of anticipatory bail, it shall be open to an officer in charge of a police station to arrest, without warrant the applicant on the basis of the accusation apprehended in such application.

(2) Where the High Court or, as the case may be, the Court of Session, considers it expedient to issue an interim order to grant anticipatory bail under sub-section (1), the Court shall indicate therein the date, on which the application for grant of, anticipatory bail shall be finally heard for passing on order thereon, as the Court may deem fit: and if the Court passes any order granting anticipatory bail, such order shall include *inter alia* the following conditions, namely :—

(i) that the applicant shall make himself available for interrogation by a police Officer as and when required;

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1993, Part V, PPS. 104.

²This Act came into force with effect from 1st November 1993, vide G.N., H.O. No. M.I.S. 1187/728/C.R. 189/Pol-7, dated 1st November 1993, published in *Maharashtra Government Gazette*, Extra, Part IV-B, dated 1st November 1993.

