

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4989 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/ accused No.1, among unnamed four accused outcome of the report of de facto complainant dated 10.02.2015 that was registered as Crime No.28 of 2015, under Section 482 Cr.P.C seeking to quash the proceedings in FIR No.28 of 2015 of Gudur I Town Police Station, Sri Potti Sri Ramulu Nellore District, registered for the offences punishable under Sections 420, 506 r/w 34 IPC.

2) Heard learned counsel for the petitioner/ accused No.1 and learned public prosecutor for 1st respondent—state before admission and before ordering any notice to 2nd respondent—de facto complainant. Perused the material on record.

3) A perusal of the material on record falls short to admit the application filed under Section 482 Cr.P.C to quash the FIR No.28 of 2015 of Gudur I Town Police Station, the same is disposed of. Needless to say in this context the petitioner earlier moved this Court and a direction was given on 24.03.2015 in CrI.P.No.2288 of 2015, which is filed under Section 438 Cr.P.C, that Section 41 compliance shall be made by the police following the guidelines of the Apex Court in ***Arnesh Kumar vs State of Bihar***.

4) It is the submission of the learned counsel for the petitioner that even though such a direction given to the police, they are after the petitioner without even giving any notice much less calling for any explanation, to arrest.

5) Having regard to the above, as the case admits entitlement to the concession of bail by the petitioner, the application is disposed of giving liberty to surrender before the Magistrate and move for regular bail with notice to Additional Public Prosecutor concerned and in such event, the learned Magistrate shall grant bail preferably on the same day with necessary

conditions. Any other remedy is left open to petitioner, after filing of the final report in the form of charge sheet taken cognizance by the learned Magistrate.

6) Consequently, miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:17.06.2015

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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