

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.12671 of 2015

ORDER:

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This Criminal Petition is filed by the petitioner-accused No.1 under Section 438 Cr.P.C. seeking to grant anticipatory bail to him in Crime No.98 of 2015 on the file of Yerpedu Police Station, Tirupati Urban, registered for the offence punishable under Sections 448, 323 and 353 r/w 34 IPC.

Heard and perused the material available on record.

It is alleged that when A1 requested the de facto complainant, who is working as Air India Airport Manager, to accept his two relative passengers, who came late to the airport, to board A1-541 Flight, the de facto complainant expressed his inability, on account of which, A1 came to his cabin, slapped him and that his followers attacked him indiscriminately.

While hearing the matter, the learned Public Prosecutor brought to the notice of this Court that the petitioner has approached this Court by way of filing Writ Petition No.38945 of 2015 under Section 226 of the Constitution of India and this Court passed order as follows:

“As the investigation in the subject offence is yet to commence and the allegations levelled require to be examined by the police authorities concerned, there can be no stay of arrest as prayed for by the petitioner at this stage.

However, the police authorities shall comply with the provisions of Sections 41 and 41-A Cr.P.C., in true letter and spirit while going about the investigation of the crime and dealing with the petitioner, an accused therein.

Needless to state, the police authorities would also be mindful of the duties required to be discharged by the petitioner as a People's Representative in this regard.”

Learned Public Prosecutor submitted that in view of the above order of

this Court, no further orders are necessary in this petition. He further submitted that the police altered the section of law of the offence to that of Section 333 IPC.

Learned Counsel for the petitioner submitted that even though an order was passed by this Court on earlier occasion, insofar as the other accused are concerned, the police failed to follow the directions of this Court while arresting them and in view of the same, the petitioner approached this Court.

As observed by this Court in order dated 1.12.2015 in WPMP No.50193 in W.P.No.38945 of 2015, the provisions under Sections 41 and 41 A Cr.P.C. should be followed in true letter and spirit.

Considering the above circumstances, the Criminal Petition is dismissed. However, the respondent-police are directed to follow the provisions under Sections 41 and 41-A Cr.P.C strictly.

JUSTICE RAJA ELANGO

Dated: 11.12.2015
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