

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.16292 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Cr.No.663 of 2016 of Jubilee Hills Police Station, Hyderabad, registered for the offences punishable under Sections 448 and 435 IPC, against petitioner/accused.

2. Heard both sides and perused the material on record.

3. During hearing, learned counsel for petitioner, Sri M.C.Acharyulu, brought to the notice of this Court that the bail application filed by petitioner was dismissed as not pressed and now, the police are trying to arrest the petitioner in connection with the above crime and requested to issue necessary direction to investigating agency to follow Section 41-A of Cr.P.C.

4. In view of the fact that the offences under Sections 448 and 436 of IPC allegedly committed by the petitioner are bailable, the investigating agency is bound to follow the procedure as envisaged under Section 41-A Cr.P.C., and the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

5. Therefore, I deem it appropriate to direct the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and the guidelines issued by the Apex Court in **Arnesh Kumar**.

6. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTY, J

25th November, 2016
sj

¹ 2014(2) ALT (Crl.) 457 (SC)