

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.661 OF 2016

ORDER:

This Criminal Petition is filed by the petitioners-accused Nos.11 and 14 under Section 438 Cr.P.C. seeking to grant anticipatory bail in Crime No.98 of 2014 on the file of Mulkanur Police Station, Karimnagar District, registered for the offences punishable under Sections 409, 420, 468 and 471 r/w. 34 IPC.

Heard and perused the material available on record.

The case of the prosecution is that though the mother of the 1st petitioner and the father-in-law of the 2nd petitioner died, the petitioners received their pension amount under Freedom Fighters Pension Scheme in collusion with A1 and others.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and there are no specific allegations against them and basing on the confessional statement of the other accused only, the police are trying to arrest them, though they are arrayed only as witnesses 11 and 14 in the remand report and the police have arrested the persons, those who are on the same footing.

Learned Public Prosecutor submitted that the petitioners are not arrayed as accused in this case.

Considering the rival contentions, this Court is inclined to pass the following order:

If the respondent-police are decided to implead the petitioners as accused in the present case, they should follow the procedure and serve the notice under Section 41-A Cr.P.C., against the petitioners and if such notice is served on the petitioners, they are at liberty to approach this Court.

Accordingly, the Criminal Petition is disposed of.

RAJA ELANGO, J

January 29, 2016
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