

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46316 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in trying to apprehend the petitioner basing on the confession said to have been recorded from the accused in Crime No.149 of 2016 of Gudur-I Town Police Station, SPSR Nellore District, as arbitrary and illegal and consequently, direct the respondents not to take any coercive steps against the petitioner without following due process of law.

2. Heard and perused the material available on record.

3. Case of the petitioner is that he is working as Junior Assistant in Revenue Department and he has not committed any offence as alleged by the respondents. The respondent police came to his house and took away his brother and detained him in the police station. Aggrieved by the said detention, the petitioner filed W.P.No.39763 of 2016 and this Court issued notice to the respondents. Subsequent to receipt of notice, his brother was remanded to judicial custody in connection with the aforesaid Crime, which was registered for the offences punishable under Sections 419 and 420 IPC. Basing on the confessional statement said to have been made by his brother, police are trying to arrest the petitioner.

4. Learned counsel for the petitioner submits that petitioner is no way concerned with the offences alleged against him and he is ready to co-operate with the investigation.

5. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and respondent No.2 is investigating the matter in accordance with law.

6. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is ready to co-operate with the investigation, without expressing any opinion on merits, respondent No.2 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.2 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

29.12.2016
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Date: 29.12.2016

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