

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.22295 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed alleging interference by the second respondent with the personal life and liberty of the petitioner, under the guise of FIR No.112 of 2017.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Home. With their consent, the Writ Petition is disposed of at the stage of admission itself.

A perusal of the material on record would show that the petitioner herein filed an application under Section 438 of the Code of Criminal Procedure vide CrI.M.P.No.716 of 2017, seeking anticipatory bail in connection with Crime No.112 of 2017 of Sarpavaram Police Station registered for the offences punishable under Sections 419, 464, 468 and 471 read with 34 of Indian Penal Code, which came to be dismissed by the IV Additional Sessions Judge, Kakinada, East Godavari District, on the ground that the said application is not maintainable as the petitioner was not shown as an accused in said crime.

The grievance of the petitioner now is that though his name was not shown in the FIR as an accused, the second respondent is interfering with the life and liberty of the petitioner, under the guise of crime No.112 of 2017.

The learned AGP, on instructions, denies the allegations made in the affidavit filed in support of the writ petition, but however, states that in case if the petitioner's presence is required

in connection with said crime, respondents-Police will follow due procedure.

Having regard to the above, the Writ Petition is disposed of directing the second respondent not to interfere with the personal life and liberty of the petitioner without following due process of law. If the second respondent intends to take any action against the petitioner in connection with crime No.112 of 2017 referred to above, the same shall be in accordance with the procedure established under law.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

06.07.2017

Note : Issue C.C. tomorrow.

B/o.
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C. PRAVEEN KUMAR, J

