

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2997 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') is filed to grant pre-arrest bail to the petitioner/A.3 apprehending his arrest in connection with Crime No.134 of 2015 of Rajam Police Station, Srikakulam District, registered for the offence punishable under Section 420 of IPC.

2. After arguing the matter for a while, learned counsel for the petitioner requested this court to issue a direction to the investigating agency to follow the procedure contemplated under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in **ARNESH KUMAR Vs. STATE OF BIHAR**¹.

3. It is needless to say that the investigating agency is bound to follow the procedure under Section 41-A of Cr.P.C. and the guidelines laid down by the Apex Court in **ARNESH KUMAR Vs. STATE OF BIHAR**, otherwise it would amounts to contempt.

4. Therefore, this Court is not required to give any specific direction to follow the Apex Court guidelines. Therefore, no direction need be given since the investigating agency is bound to follow the procedure under Section 41-A of Cr.P.C. Hence, the direction sought for by the learned counsel for the petitioner need not be issued.

5. With the above observation, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in the criminal petition shall stand closed.

JUSTICE M.SATYANARAYANA MURTHY

Date: 19th April, 2017
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¹ (2014)8 SCC 273

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