

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3941 OF 2017

ORDER:

The present Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to grant anticipatory bail in the event of arrest of the petitioner in connection with Crime No.72 of 2016 of Nandivada Police Station, Krishna District.

2. The petitioner is alleged to have committed the offences punishable under Section 427 of I.P.C. and Section 3 of Prevention of Damage to Public Property Act, 1984.

3. Heard Sri P. Sree Vyas, learned counsel appearing on behalf of Sri Rambabu Koppineedi, learned counsel for the petitioner on record, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

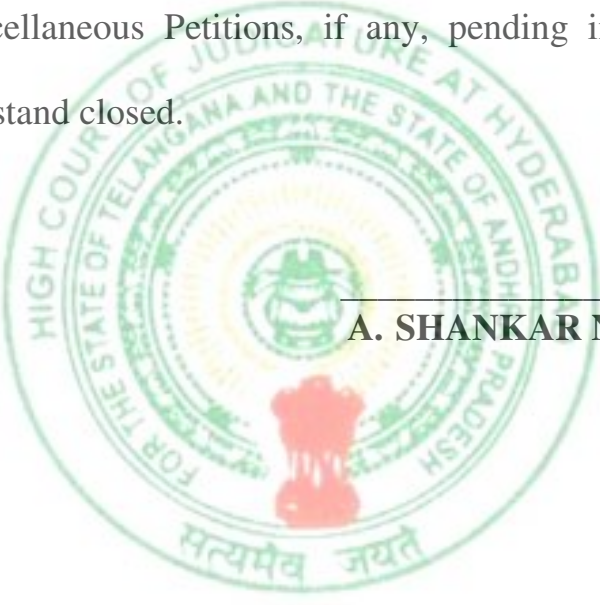
4. Learned counsel for the petitioner, having tendered arguments submitting that there has been a slight deviation in changing the course of layout road and not to view it as a serious crime, though, initially, sought to grant anticipatory bail, when the Court expressed, having seen the course of road changed taking it into the colony/locality by the petitioner from the layout road completely blocking it, that the petitioner is not entitled to such a relief, sought to direct the Investigating Officer to follow the procedure inlaid by the

provisions of Section 41-A of the Code. The last request made by the learned counsel for petitioner is reasonable in the circumstances.

5. Hence, while dismissing the Criminal petition, the Investigating Officer is directed to follow the procedure inlaid by the provisions of Section 41-A of the Code and also the guidelines laid down by the Honourable Apex Court in **Arnesh Kumar v. State of Bihar and another**¹.

6. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

July 13, 2017.
MD

A. SHANKAR NARAYANA, J

¹2014 (8) SCC 273