THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.14254 of 2013

ORDER:

This criminal petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to grant pre-arrest bail to the petitioner/Accused apprehending his arrest in connection with Crime No.1387 of 2013 of L.B. Nagar L&O Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860 (for short, 'I.P.C.').

This court passed an interim order dated 06.12.2013 directing the police not to arrest the petitioner. Since then the matter is pending before this court for one reason or the other. By this time, the entire investigation is over.

None appeared for the petitioner.

In **PARVINDERJIT SINGH AND ANR. V. STATE (U.T. CHANDIGARH) AND ANR.**[1] the Apex Court held that an interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation.

Despite the judgment of the Apex Court, this Court passed such an interim order, though the arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his

[1] 2008 (11) SC 560

freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance to maintain law and order in the locality.

In view of the law laid down by the Apex Court in **PARVINDERJIT SINGH AND ANR. V. STATE (U.T. CHANDIGARH) AND ANR.** (1supra), the interim order dated 06.12.2013 passed by this Court in the criminal petition is hereby vacated, while dismissing the criminal petition as *infructuous*.

M.SATYANARAYANA MURTHY, J

24.03.2017
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