

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3917 OF 2017

ORDER:

The present Criminal Petition is filed under Section 438 of the Criminal Procedure Code, 1973 (for short, 'the Code') requesting to grant anticipatory bail in Crime No.3 of 2017 of Vedulapalli P.S., Guntur District.

2. The petitioner, who is arraigned as accused No.2, alleged to have committed the offence punishable under Section 420 read with Section 34 of I.P.C.

3. Heard Sri Ganduri Nageswara Rao, the learned counsel for the petitioner, and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. Though, initially, Sri Ganduri Nageswara Rao, the learned counsel for the petitioner tendered arguments elaborately, but confines his request to direct the investigating officer to follow the procedure prescribed under Section 41-A of Code. Therefore, the last submission made by the learned counsel can be acceded to.

5. Accordingly, the Criminal Petition is dismissed. However, the Station House Officer, Vedulapalli P.S., Guntur District is directed to resort to the procedure under Section 41-A of the Code and also the guidelines laid down by the Hon'ble Supreme Court in

Arnesh Kumar v. State of Bihar¹. Equally the petitioner is also directed to co-operate with the investigating officer without resorting to evading receipt of notice under Section 41-A of the Code.

As a sequel thereto, miscellaneous petitions if any pending in the Criminal Petition shall stand closed.

Dt.12.07.2017
gbs

A.SHANKAR NARAYANA



¹ (2014) 8 SCC 273