

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No. 3601 OF 2017

ORDER:

Though, initially, Smt. B. Geeta, for Sri V. Mallik, the learned counsel for the petitioner tendered arguments elaborately basing on the complaint allegations and projecting that the petitioner, who is arraigned as accused No.4, in the aforesaid crime never demanded any amount and amount was paid only to one Raju, who is arraigned as accused No.3, and, therefore, to grant anticipatory bail, but still the learned counsel would seek, at least, to direct the investigating officer to follow the procedure prescribed under Section 41-A of Criminal Procedure Code, 1973 (for short, 'the Code')

2. The offences alleged against the petitioners A-1 to A-3 are punishable under Sections 420 and 506 of IPC read with Section 34 of IPC. Thus, common intention is projected on the part of all the four accused persons, including the petitioner herein.

3. Latter request made by the learned counsel is reasonable.

4. Though, the learned Additional Public Prosecutor would contend that when notice under Section 41-A of the Code is issued, only 1st accused presented himself before the investigating officer and others evaded to present themselves, in such an event, while rejecting the request, to dismiss the petition.

5. The Station House Officer, Arundalpet P.S., Guntur Urban, Guntur District is directed to resort to the procedure under Section 41-A of the Code, which he has already initiated, and to follow the directions given by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. 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.

6. Accordingly, the Criminal Petition is dismissed.

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

Dt.10.07.2017
gbs

A.SHANKAR NARAYANA



¹ (2014) 8 SCC 273