

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.120 OF 2017

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C to enlarge the petitioner/A2 on bail in the event of his arrest on various grounds in connection with Crime No.367 of 2016 of Pedakakani Police Station, Guntur, registered for the offences punishable under Sections 408, 420, 468 and 473 read with Section 34 of IPC.

It is brought to the notice of this Court during hearing that this Court passed an order on 18.01.2017 in Crl.P.No.7 of 2017 directing investigating agency to issue notice under Section 41-A of Cr.P.C, follow the guidelines of the Apex Court in **Arnesh Kumar v State of Bihar**¹.

Learned Additional Public Prosecutor representing the State of Andhra Pradesh fairly conceded that three witnesses were examined and there is no material for the present before him to show that whether investigating agency issued any notice under Section 41-A of Cr.P.C in view of the guidelines issued by the Apex Court in **Arnesh Kumar's** case referred supra.

When this Court directed the investigating agency to follow the guidelines of the Apex Court in **Arnesh Kumar's** case (supra) in the criminal petition referred to, the question of apprehension of his arrest in the above crime is misplaced. However, till today no notice was issued by the investigating agency. Therefore, the apprehension of the petitioner is not based on any reasonable

¹ 2014(2) ALT(Crl) 457(SC)

ground. Consequently, the petitioner is not entitled for pre-arrest bail.

In the result, the criminal petition is disposed of directing the investigating agency to issue notice under Section 41-A of Cr.P.C by following the guidelines of the Apex Court in **Arnesh Kumar's** case (supra).

Pending miscellaneous petitions in the petition, if any, shall stand closed.

30.01.2017
kvrn

M.SATYANARAYANA MURTHY,J

