

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10620 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner-accused under Section 438 of Cr.P.C. for grant of anticipatory bail to him in Crime No.300 of 2017 of Alipiri Police Station, Tirupathi, registered for the offences punishable under Sections 420 and 405 I.P.C.

2. Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. In the course of submissions of both the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor, it is brought to the notice of this Court that, *vide* the order dated 26.10.2017 in CrI.M.P. No.2543 of 2017, this petitioner-accused was granted relief by the Court of Sessions as per the decision of the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. It is submitted that ante-dated notice under Section 41A Cr.P.C. was issued to the petitioner-accused. So, the petitioner-accused could not comply the same.

4. Having regard to the above facts and circumstances of the case and in view of the principle enunciated by the Hon'ble Supreme Court in **Arnesh Kumar's** case (supra), the Station House Officer, Alipiri Police Station, Tirupathi, is directed to issue a fresh notice to the petitioner-accused under Section 41A Cr.P.C. in Crime No.300 of 2017 to the address given by the petitioner-accused in this bail petition and strictly abide by the aforesaid decision of the Hon'ble Supreme Court. Any deviation in this regard will be viewed very seriously under the provisions of the Contempt of Courts Act. The Non-bailable warrant said to have

¹ 2014 (8) SCALE 250

been issued against the petitioner-accused by the Court below shall not be given any effect.

5. Accordingly, this Criminal Petition is disposed of. As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 15-11-2017.
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