

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1354 OF 2018

ORDER:

The petitioner/A-3 in this Petition filed under Section 438 Cr.P.C., seeks anticipatory bail in Crime No.25 of 2018 of Raidurgam P.S., Cyberabad, Ranga Reddy District, which was registered against him and other accused for the offence under Section 420 R/w. 406 I.P.C.

2. The *de-facto* complainant lodged a report with the Police of Raidurgam P.S. stating that the accused, who worked as employees of their concern, have absconded without any communication and they have not surrendered the tangible assets of the company such as the laptops and other gadgets. Investigation is reported to be pending.

3. Denying the allegations, learned counsel for the petitioner/A-3 would submit that the petitioner sent an email dated 27.04.2016 to the concerned stating that he resigned from Omics Online Publishing Private Limited with effect from 28.04.2016. Therefore, it is incorrect to say that without any information the accused particularly, the petitioner/A-3 absconded. Learned counsel further submits that in the email dated 01.09.2016 the Company addressed a letter to him, wherein they admitted to have received laptop, charger, mouse, dongle *etc.*, from him. In that view, learned counsel for the petitioner would submit, the complaint against the petitioner/A-3 is not maintainable at all under Section 420 or 406 I.P.C.

4. Learned counsel further submits that the petitioner/A-3 has been serving his ailing mother at Palakol and in the meanwhile complaint is filed and the Police are trying to arrest him. On these submissions, he seeks anticipatory bail.

5. Learned Additional Public Prosecutor would submit that the investigation is under way and so far, as per her information, the Police have not resorted to arrest any of the accused and on the other hand in respect of some of the accused, the Police served Section 41-A Cr.P.C. notice and therefore there is no truth in the apprehension of the petitioner/A-3. Learned Additional Public Prosecutor produced a copy of Section 41-A Cr.P.C. notice issued in respect of Dooda Manoj Kumar/A-4.

6. In view of the above submission of learned Additional Public Prosecutor, and as the petitioner/A-3 stands on the same footing as that of the other accused, the Investigation Officer is directed to issue 41-A Cr.P.C. notice to the petitioner and seek for his appearance for enquiry, if any, and the petitioner/A-3 is also directed to appear before the Investigation Officer and furnish the information which is available with him, in connection with the case. The Investigation Officer is directed to follow the procedure contemplated in the case of **Arnesh Kumar Vs. State of Bihar**¹ and complete the investigation.

7. Accordingly, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions if any, pending, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 12.02.2018.
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¹ 2014 (8) SCC 273

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

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**CRIMINAL PETITION No. 1354 OF 2018**

Date. 12.02.2018

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