

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.1730 OF 2018

ORDER:

This petition is filed seeking for grant of anticipatory bail to the petitioner, who are A1 and A2, in Crime No.10 of 2018 on the file of Cheepurupalli Police Station, Vizianagaram District. The offences alleged are under Sections 353, 448, 427, 506, 143, 147 r/w 149 of IPC and Section 3(2)(c) of PDPPA Act.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the respondent.

3. The counsel for the petitioner submits, that though a petition filed by A3 to A15 in the same crime was dismissed by the Court of Sessions Judge, Vizianagaram, in CrI.M.P.No.34 of 2018, a direction was issued to the police to issue Section 41A Cr.P.C. notice. This petitioner stands on a different footing, that though Section 41A Cr.P.C. notice was not issued to these petitioners, they were being called to the police station. Hence, a specific direction need to be given to the police, similar to the direction which was given in the above mentioned criminal petition.

4. Accordingly, this criminal petition is dismissed. However, in the event of any necessity of arrest of the petitioner, the police shall strictly follow Section 41A of

Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

T.RAJANI, J

27.02.2018
SS



¹ 2014 (5) SCC 324