

**SMT JUSTICE T.RAJANI**  
**CRIMINAL PETITION No.2573 OF 2018**

**ORDER:**

This Criminal Petition is filed seeking for grant of anticipatory bail to the petitioner, who is accused No.1, in Crime No.246 of 2017 on the file of the Station House Officer, Dhone Rural Police Station, Kurnool District. The offences alleged are under Sections 420, 465 and 468 R/w.34 of I.P.C.

2. Heard the learned counsel for the petitioner, learned Public Prosecutor appearing for the respondent-State, and perused the record.

3. Learned counsel for the petitioner submits that the transaction between the parties is absolutely civil in nature and that, in the partition between the de-facto complainant and his brothers, the impugned lands were allotted to each of the brothers. The allegation against this petitioner, being elder brother of the de-facto complainant, is that he in collusion with the concerned V.R.O., fabricated the pattadar passbooks with the help of the Tahsildar, who is shown as accused No.2, and uploaded the same in online.

4. Learned Public Prosecutor opposed grant of bail to the petitioner.

5. Though this Court is not inclined to grant anticipatory bail to the petitioner, considering that the petitioner and de-facto complainant are brothers, this Court is inclined to direct the Police concerned to issue Section 41-A Cr.P.C. notice to the petitioner, before effecting his arrest, and to follow the procedure contemplated in the case of **Arnesh Kumar Vs. State of Bihar**<sup>1</sup> in completing the investigation.

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<sup>1</sup> 2014 (8) SCC 273

6. Accordingly, with the above observation, the Criminal Petition is disposed of.

As a sequel, the miscellaneous applications, if any pending, shall stand dismissed.

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**T. RAJANI, J**

Date: 08.03.2018.

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