

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.4216 OF 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by accused No.4, apprehending her arrest, in Crime No.43 of 2018 on the file of Narketpalli Police Station, Nalgonda District registered for the offences punishable under Sections 447, 420, 506 read with 34 of Indian Penal Code (for short "I.P.C."), to direct the Station House Officer, Narketpalli Police Station to release her on bail in the event of her arrest in connection with the above crime.

The case of the prosecution, in brief, is that the father of the defacto complainant purchased land in Sy.No.220 from Manda Lachaiah and constructed a rice mill and mulgis in that land and having possession over the said landed property and paying taxes to Grampanchayat, Narketpally. The grandsons of Manda Lachaiah obtained family member certificate from Tahsildar Office, Narketpally, which is used for claiming insurance and for bank transactions and created fake land documents on the basis of pahanies by mentioning false Sy.No.220/1/2, and also made false registration in favour of Muslims. On 26.03.2018 afternoon at about 01.30 p.m., the grandson came on his land with JCB and threatened him and his younger brother viz., B.Ramachandra Reddy with dire consequences and tried to encroach their land. Basing on the report given by the defacto complainant, police registered a case in Crime No.43 of 2018 for the offences punishable under Sections 447, 420, 506 read with 34 of I.P.C.

The petitioner filed similar application before the Sessions Court in CrI.M.P.No.338 of 2018, which was dismissed by order dated 06.04.2018.

Learned counsel for the petitioner contended that the petitioner is a lady and did not commit any offence; requested this Court to enlarge the petitioner on pre-arrest bail.

Learned Public Prosecutor for the State of Telangana opposed the bail application on the ground that the investigation is not completed.

Considering the facts and circumstances of the case, I deem it appropriate to direct the police to follow the procedure laid down in Section 41-A of Cr.P.C. and guidelines prescribed in **“Arnesh Kumar v. State of Bihar”** (referred supra). It is needless to mention that the Supreme Court made it clear that violation of guidelines in **“Arnesh Kumar v. State of Bihar”** (referred supra) amounts to Contempt of Court action. Therefore, the Investigation Agency is bound to adhere to the procedure laid down in Section 41-A of Cr.P.C. and the guidelines formulated by the Apex Court in **“Arnesh Kumar v. State of Bihar”** (referred supra).

With the above direction, the petition is disposed of.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

17.04.2018
Ksp