

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5473 of 2018

ORDER:

1 This criminal petition is filed by the petitioner/accused No.1 under Section 438 Cr.P.C., seeking anticipatory bail in Cr.No.47 of 2018 on the file of the Station House Officer, III Town Police Station, Nellore, registered for the offences punishable under Sections 3, 4, 5 and 7 of Prevention of Immoral Traffic Act.

2 At the time of arguments, the only relief sought by the learned counsel for the petitioner is to direct the concerned Station House Officer to follow the procedure as contemplated under Section 41A Cr.P.C.

3. In view of the submission made by the learned counsel for the petitioner, this Court is not inclined to go into the merits of the main case.

4. Having regard to the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**¹, the Station House Officer, III Town Police Station, Nellore, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.47 of 2018 so far as the petitioner/accused No.1 is concerned.

5. With the above direction, the Criminal Petition is disposed of.

T.SUNIL CHOWDARY, J

Date: 17.05.2018
GJ

¹ (2014) 8 SCC 273