

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5907 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner in Crime No.164 of 2017 of Kalapathar Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 506 IPC.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, and perused the material on record.

3. The petitioner is sole accused. The crime registered is for the offence punishable under Sections 420 and 506 IPC. It is regarding the dishonour of the cheques issued for the amounts due in providing visa, accommodation and transport to customers at M/s.Alkhmori Group of Hotels, Hajj and Urah, to which the *de facto* complainant was the Managing Director. The petitioner went unsuccessful more than three times before the Sessions Division, Hyderabad, for anticipatory bail. The petitioner is now seeking anticipatory bail with the contentions that it is purely a civil transaction and even for the dishonour of the cheques the remedy is to file a private complaint under Section 138 of the N.I.Act. and there is no offence of cheating, much less any criminal intimidation to twist the facts.

4. Learned Public Prosecutor opposed the bail application saying the petitioner unsuccessful more than times before the Court of Sessions is not entitled to the concession.

5. Undisputedly, none of the offences are punishable above seven years. The police are bound to follow Section 41-A Cr.P.C. and the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

6. Having regard to the above, the criminal petition is disposed of directing the police strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court in Arnesh Kumar's case supra.

Miscellaneous petitions pending, if any, shall stand closed.

5th July 2018.

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Dr. B. SIVA SANKARA RAO, J

¹ (2014) 8 SCC 273