

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5927 of 2018

ORDER :

The petitioner seeking anticipatory bail in Crime No.588 of 2017 of Ghatkesar Police Station, stating that he is one of the proposed accused of the said crime, registered for the offences punishable under Sections 447, 427, 420, 468, 471 and 120-B IPC, that the police, though he is no way concerned with the above crime, frequently visiting to arrest illegally, which made him to file W.P.No.14132 of 2018 and in the course of hearing, the writ petition was disposed of on 27.04.2018.

2. Learned Public Prosecutor, representing the prosecution agency, submitted that the petitioner was not originally arraigned as an accused, he was later arraigned during the course of investigation and they are fairly investigating the case and copy of the F.I.R. is furnished to the learned counsel for the petitioner.

3. Now, the averment in the present anticipatory bail application is despite the said assurance, the police are harassing by calling to the police station.

4. In fact, a perusal of the case diary as submitted by the learned Public Prosecutor shows LW.2 in particular named the petitioner as co-accused, thereby he is arraigned as A.5. Undisputedly, there is Section 41-A Cr.P.C. notice and he did not appear so far pursuant to the same, as referred in para 10 of the bail application averments.

Once such is the case, what he submits is he has submitted a reply, dated 19.05.2018 though his advocate on 20.05.2018 to the Investigating Officer and that was not acknowledged.

5. Once there is a requirement under Section 41-A Cr.P.C. notice to appear and to submit as part of investigation, he is bound to appear and he did not appear, as pointed by the learned Public Prosecutor.

6. Having regard to the above, the criminal petition is disposed of, directing the petitioner to appear before the police, pursuant to Section 41-A Cr.P.C. notice, for the purpose of any investigation of the case. However, if at all his arrest is required, they must obtain permission of the learned Magistrate, by virtue of this order, as otherwise by now they are supposed to do as per Section 41-A clause (4) Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

5th July 2018.

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Dr. B. SIVA SANKARA RAO, J