

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6243 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner in Crime No.238 of 2015 of Central Crime Station, Hyderabad, registered for the offences punishable under Sections 406 and 420 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 A.3. The contentions of the petitioner are that the police are behind him and threatening to arrest and he is apprehending third degree methods and he was not arrayed as accused in the crime and he even resigned as one of the Directors of the Company due to his ill-health that was even accepted by the Registrar of Companies and duly certified on 25.02.2016 and he has no connection even the so-called money transaction with the *de facto* complainant after resignation and he is innocent entitles to the concession of anticipatory bail.

4. Learned Public Prosecutor submits that even on 06.06.2018 in the course of investigation a memo filed showing the petitioner as A.3 and further investigation is required.

5. Undisputedly, Section 41-A Cr.P.C. notice, dated 05.06.2018, is issued. It is affixed to the door from non availability. Once such is the case, the police have to strictly follow Section 41-A Cr.P.C. and

the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹, in the event of any requirement of arrest.

6. Having regard to the above and with the above observation, the criminal petition is disposed of and it will no way prevent for moving of regular bail and consideration on its own merits if at all to surrender.

Miscellaneous petitions pending, if any, shall stand closed.

13th July 2018.

mar

Dr. B. SIVA SANKARA RAO, J



¹ (2014) 8 SCC 273