

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6583 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner/ A1, seeking release in the event of his arrest in connection with Crime No.345 of 2018, dated 26.05.2018 of Bhavanipuram Police Station, Vijayawada City, registered for the offences punishable under Sections 420, 468 and 471 r/ w 34 I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State and perused the F.I.R., bail application averments and earlier dismissal orders of anticipatory bail twice by the Court of Sessions.

3. A perusal of the material shows that the petitioner is not entitled to the concession of anticipatory bail, but for, to say as none of the offences are punishable above seven years, if at all any arrest of the petitioner is required, the police strictly have to follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹. However, this observation no way prevent the surrender of the petitioner and move for regular bail if any to decide.

4. Accordingly, the Criminal Petition is disposed of.

5. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 16.07.2018
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¹ (2014 (2) ALT (Gr.I.) 457 SC)