

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6967 OF 2018

ORDER:

The petitioners are A.1 and A.2 of crime No.44 of 2018, Nellore III Town Police Station, SPSR Nellore District, registered for the offences punishable under Sections 420 & 408 IPC.

Heard learned counsel for the petitioners and learned Public Prosecutor representing the State and perused the FIR, bail application averments and the earlier bail dismissal orders of the learned Sessions Judge in CrI.M.P.No.1057 of 2018 dated 23.05.2018, CrI.M.P.No.930 of 2018 dated 04.05.2018 and CrI.M.P.No.792 of 2018 dated 18.04.2018 besides subsequent dismissal order in CrI.M.P.No.1223 of 2018 dated 11.06.2018.

A perusal of the very averments in the FIR shows prima facie accusation for the offences supra. In fact filing of insolvency application will not absolve the liability from the criminal prosecution.

Though the petitioners are not entitled to the concession of anticipatory bail, it is made clear that as none of the offences are punishable above seven years, the Police in the event of arrest strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in **Arnesh Kumar v. State of Bihar**¹.

¹ (2014 (2) ALT (CrI.) 457 SC)

Accordingly and in the result, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 25.07.2018
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