

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7169 OF 2018

ORDER:

The petitioner is accused No.1 of Crime No.115 of 2017 on the file of Mahanandi Police Station, Kurnool District registered for the offences punishable under Sections 506, 420 read with 34 IPC, 468 and 471 IPC and Section 66A and 74 of the Information and Technology Act, 2000. He is seeking anticipatory bail. He went unsuccessful before the learned III Additional Sessions Judge, Kunool at Nandyal in CrI.MP.No.621 of 2018 dated 23.04.2018.

The contentions, of the counsel for the petitioner in the anticipatory bail application, are that he is activist in Right to Information and in protecting human rights and in helping victims where police not registered crimes noticing victimisation and police got animosity therefrom to implicate. The present crime is an off-shoot and entitled to anticipatory bail as he would be subjected to third degree methods, if available to police.

Learned Public Prosecutor opposed the anticipatory bail application saying that the petitioner is a hard-core criminal involved in several cases and it is not fit case to grant anticipatory bail from the propensity of the crime.

Heard and perused the material on record.

In fact a perusal of letter dated 31.01.2018 by the petitioner's wife addressed to the Superintendent of Police,

Kurnool, refers to six crimes pending against him of 2015 to 2017. Even the petitioner is not entitled to the concession of anticipatory bail because of several cases in which he is involved between 2015 – 2017 and his wife report to the Superintendent of Police, Kurnool itself, as referred supra, but for to say for none of the offences are punishable above seven years he is entitled to protection under Section 41-A Cr.P.C. Instead of dismissal of the Criminal Petition, the Police shall strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

Accordingly, the Criminal Petition is disposed of.

Dr. B. SIVA SANKARA RAO, J

Date:01.08.2018
usd

¹ (2014) 8 SCC 273