

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9659 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioners/ A2 and A3, seeking release in the event of their arrest in connection with Crime No.300 of 2018 dated 04.08.2018 of Tadepalli Police Station, Guntur Urban, registered for the offences punishable under Sections 420 and 379 I.P.C.

2. Heard learned counsel for the petitioners and learned Public Prosecutor representing the State and perused the F.I.R. and bail application averments.

3. Petitioner No.2 herein do not figure as A3 in the very report from the investigation including from the arrest of A1, A9 and A10 disclosing his complicity to the above crime.

4. A perusal of the material shows that the petitioners are 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 petitioners 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.

5. Accordingly, the Criminal Petition is disposed of.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 18.09.2018
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¹ (2014 (2) ALT (GrI.) 457 SC)