

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION Nos.1730 and 1731 of 2019

COMMON ORDER:

Dandugula Gopal, the petitioner in these two cases, is the accused in POR Nos.23-93/2011 and 24-93/2011. He is charged with offences under various provisions of the Wild Life (Protection) Act, 1972 (*for brevity*, the Act of 1972'). His earlier applications under Section 438 Cr.P.C. for grant of anticipatory bail were rejected by the learned IV Additional District and Sessions Judge (Fast Track Court), Nagarkurnool. Hence, he is presently before this Court with these petitions filed under Section 438 Cr.P.C. renewing his request for grant of anticipatory bail.

Heard Sri M.Achutha Reddy, learned counsel for the petitioner-accused, and the learned Assistant Public Prosecutor.

As per Section 51 of the Act of 1972, the maximum punishment that can be imposed upon the petitioner-accused in terms of imprisonment would stretch to a period of seven years. That being so, the decision of the Supreme Court in *Arnesh Kumar v. State of Bihar*¹ would stand attracted. In terms of the law laid down in the aforesaid decision, it is for the police to decide as to whether the case requires adherence to Section 41 Cr.P.C. or to Section 41-A Cr.P.C.

The criminal petitions are accordingly disposed of directing the police to abide by the directions of the Supreme Court in *Arnesh Kumar*¹ in paragraphs 11.2 to 11.6.

JUSTICE SANJAY KUMAR

Date:16.04.2019
GJ

¹ (2014) 8 SCC 273