

HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.2023 OF 2019

ORDER:

1 The petitioner is A.1 in Crime No.321 of 2018 on the file of Raidurgam Police Station, Cyberabad Commissionerate, registered under Sections 420 and 506 IPC. By way of this petition, he seeks anticipatory bail under Section 438 CrPC.

2 It is however the admitted position that the investigating officer has already issued a notice to the petitioner / A.1 under Section 41-A CrPC on 25.6.2018 and the petitioner has responded thereto. Be it noted that a notice under Section 41-A CrPC would not be issued unless the police officer concerned is of the opinion that the arrest of the addressee is not required under Section 41(1) CrPC. Once such a notice was issued, there is no basis for such an addressee to entertain any 'reason to believe' that he would be arrested (*See* VAMAN NARAIN GHIYA V/ s. STATE OF RAJASTHAN¹ and SHRI GURBAKSH SINGH SIBBIA V/ s. STATE OF PUNJAB²,

3 The Criminal Petition is utterly misconceived and is accordingly dismissed.

JUSTICE SANJAY KUMAR

April 29, 2019.

Kvsn

¹ (2009) 2 SCC 281

² AIR 1980 SC 1632