

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION No.2670 of 2019

ORDER:

This petition is filed under Section 438 Cr.P.C., seeking grant of anticipatory bail to petitioners-A3, A4 and A5 in Crime No.41 of 2019 of Madhira Rural Police Station, Khammam District, registered for the offences punishable under Sections 406, 420, and 506 I.P.C.

It is alleged by the *de facto* complainant that the petitioners with a dishonest intention have released the chilli stocks to an extent of 68 Metric Tons, which was pledged by the borrowers with the Bank, with the connivance of A1 and A2 and thereby cheated the Bank authorities.

Learned counsel appearing for the petitioners submits that the petitioners have been falsely implicated in the said crime; that the petitioners are law abiding citizens and they would co-operate with the investigating agency as and when required; that the investigating agency also not followed Section 41 Cr.P.C., at least if a notice is issued under Section 41 Cr.P.C., the petitioners will project their case and explain their innocence; and hence, the case of the petitioners be considered for grant of anticipatory bail.

Learned Assistant Public Prosecutor submits that the investigation is in progress and if the petitioners are granted anticipatory bail, it would be difficult for the investigating agency to proceed further with the investigation and therefore, the case of the petitioners cannot be considered and if they surrender before the police, it would help the investigating agency in conducting investigation.

Having considered the submissions made by the learned counsel on either side, this Court is of the view that since the Assistant Public Prosecutor stated that the investigation is in progress, the case of the petitioners cannot be considered at this point of time. However, the investigating agency shall strictly follow the procedure under Section 41 Cr.P.C. before arresting the petitioners.

With these observations, the Criminal Petition is disposed of.

JUSTICE ABHINAND KUMAR SHAVILI

15.05.2019
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