

HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.12736 OF 2017

ORDER:

1 The petitioners are A.2, A.3, A.4 and A.5 in Crime No.RC.10(E)/2017/CBI/EOW/Chennai registered on the file of the Economic Offences Wing of the Central Bureau of Investigation, Chennai, under Sections 120-B read with Sections 420, 468, 471 and 477 (A) IPC along with Sections 13 (2) read with Section 13 (1)(d) of the Prevention of Corruption Act, 1988. By way of this petition, they seek anticipatory bail under Section 438 CrPC.

2 Significantly, this matter has been kept pending since 21.12.2017 and Sri T.Pradyumna Kumar Reddy, the learned counsel for the petitioners, would inform this Court that petitioner Nos.1 and 3 / A.2 and A.4 have been issued notices dated 11.04.2019 under Section 41A CrPC, requiring them to appear before the investigating officer on 22.04.2019 at 10.30 AM.

3 In view of the offences alleged against the petitioners under the legal provisions set out supra, the law laid down by the Supreme Court in Arnesh Kumar v. State of Bihar¹, would be squarely applicable. The prosecution would therefore have to abide by the directions set out in para Nos.11.2 to 11.6 of the said judgment. Further, as already noticed supra, two of the petitioners, A.2 and A.4, have already been issued notices under Section 41 A CrPC.

4 The Criminal Petition is accordingly disposed of directing the Economic Offences Wing, Central Bureau of Investigation, Chennai, to abide by and implement the directions of the Supreme Court in Para Nos.11.2 to 11.6 of Arnesh Kumar (supra).

JUSTICE SANJAY KUMAR

April 22, 2019.
Kvsn

¹ (2014) 8 SCC 273