

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO. 4466 OF 2022

O R D E R:

This Criminal Petition is filed under Section 438 of Cr.P.C. seeking pre-arrest bail to the petitioners/accused Nos.1 to 3 in the event of their arrest in connection with Crime No.178 of 2022 on the file of Vemulawada (T) Police Station, Rajanna Siricilla District, registered for the offences punishable under Sections 420, 323, 504 and 506 of the Indian Penal Code.

2. Heard learned counsel for the petitioners/Accused Nos.1 to 3 and learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Sri K. Venkateshwar Rao, learned counsel for the petitioners submitted that basing on the false complaint lodged by the defacto complainant under Section 200 of Cr.P.C, the crime No.178 of 2022 has been filed and that they have not committed any offences. Hence, he prayed to grant anticipatory bail to the petitioners.

4. Learned Assistant Public Prosecutor opposed for grant of anticipatory bail to the petitioners/Accused Nos. 1 to 3. He submits that the investigation is under progress.

5. A perusal of the record shows that the respondent – Police have not served the notice under Section 41-A Cr.P.C to the petitioners as per procedure.

6. In view of the above discussion and as the punishment prescribed for the offences alleged against the petitioners is below 7 years, this Criminal Petition is disposed of, directing the Investigating Officer in Crime No.178 of 2022 of Vemulawada (T) Police Station, Rajanna Siricilla District, to strictly follow the procedure prescribed in Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹. Till completion of investigation and filing of final report, the Investigating Officer is further directed not to arrest petitioners/accused Nos.1 to 3 herein. The petitioners shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

Date: 19.05.2022
trr/gvl

JUVVADI SRIDEVI, J

¹ (2014) 8 SCC 273