HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9658 OF 2021

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioners – Accused Nos.1 and 2 seeking bail in the event of their arrest in connection with Crime No. 70 of 2021 on the file of Charminar Police Station registered for the offence punishable under Sections 406, 420, 506 and 324 read with Section 34 IPC.

2. The case of prosecution is that police received Court referred complaint wherein complainant stated that he used to supply gold ornaments to various jewellery shops. It is stated that in the course of business, Accused No.1 fell due a sum of Rs.3,59,45,165/- and failed to pay the same. On 08.02.2016, when complainant insisted for payment or return of gold, Accused Nos. 1 and 2 picked up a quarrel with him and started abusing him in filthy language and armed with lethal weapons like knives, iron rods and sticks threatened to kill him and beat him indiscriminately.

3. Learned counsel for petitioners Sri P. Vamsheedhar Reddy submits that after issuing notice under Section 41-A Cr.P.C., police called petitioners to police station and are pressurizing them to compromise the matter and to sign on blank papers. Learned counsel filed document styled as 'undertaking', dated 04.04.2021 and the photographs, to show that petitioners were taken to police station from their house

and made to sign on blank papers. It is submitted that in this regard, though belatedly, as they suffered from COVID-19, petitioners gave the representation dated 28.07.2021 to the Commissioner of Police. Learned counsel apprehends that though petitioners are cooperating with the investigation, on the premise that they are not cooperating, police may arrest them.

4. On instructions, learned Assistant Public Prosecutor submits that police issued notice under Section 41-A Cr.P.C. and that petitioners were called to police station only for the purpose of investigation. He denies the fact that police made petitioners to sign the undertaking dated 04.04.2021.

5. Notice under Section 41-A Cr.P.C. has already been issued to petitioners, police shall follow the procedure prescribed thereunder and also the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***[1] scrupulously. Further, petitioners shall appear before the Station House Officer concerned once in every 15 days i.e. on 1st and 15th of every month between 10.00 a.m. and 12.00 Noon, till completion of investigation.

5. This Criminal Petition is accordingly, disposed of.

LALITHA KANNEGANTI, J

06th January 2022

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[1] (2014) 8 SCC 273