

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8860 OF 2022

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioner who is arrayed as Accused in the event of his arrest in Crime No.116 of 2022 on the file of Station House Officer, Central Crime Police Station, Hyderabad registered for the offences punishable under Sections 420 and 406 of Indian Penal Code.

2. Heard the learned counsel for the petitioner/Accused and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. According to the prosecution, the petitioner is running travel agency. The *de facto* complainant aggrieved by the fact that though payments were taken by the travel agency represented by this petitioner, they neither arranged for the trip nor returned the entire amount.

4. Learned counsel for the petitioner submits that during the course of business, amounts were taken and however, the arrangements of travel would depend on airline and other aspects, for which reason, this petitioner cannot be held liable and part payment was also made. He also submits that the petitioner undertakes to appear before the concerned Station House Officer on 31.10.2022 to assist the investigation.

5. Keeping in view the part payment made by the petitioner and since the punishment prescribed for the offences alleged against the petitioner are upto seven years, the respondent-Police are directed to carry out the investigation by following the procedure as contemplated under Section 41-A Cr.P.C and the guidelines formulated by the Hon'ble Supreme Court in case of *Arnesh Kumar v. State of Bihar*¹ scrupulously.

6. In view of the undertaking given by the learned counsel for the petitioner, the petitioner shall appear before the concerned Station House Officer on 31.10.2022, failing which the order shall stand cancelled.

¹ (2014) 8 SCC 273

7. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 21.10.2022
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