

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9959 of 2021

ORDER:

This criminal petition is filed under Section 438 of Criminal Procedure Code, 1973 (for short "Cr.P.C") seeking pre-arrest bail to the petitioners/Accused Nos.25, 27, 28 & 29 in the event of their arrest in connection with F.I.R No.7 of 2015 of Deputy Superintendent of Police, EOW, CID, TS, Hyderabad, registered for the offences punishable under Sections 120-B, 420, 406 of the Indian Penal Code, 1860 (for short "**IPC**"), Section 5 of Protection of Depositors of Financial Establishment Act, 1999 and Rules and Section 4, 5 r/w 2, 3 of Prize Chits & Money Circulation Schemes (Banning) Act, 1978.

2. Heard Sri C.Raghu, learned counsel for petitioners and learned Assistant Public Prosecutor for respondent-State.

3. Learned counsel for the petitioners without going into the merits of the case, would submit that since the punishment prescribed for the alleged offences is below seven years, the police may be directed to follow the procedure as contemplated under Section 41-A of Cr.P.C.

4. Learned Assistant Public Prosecutor also fairly conceded for the same.

5. Taking into consideration the fact that maximum punishment prescribed for the offences leveled against the petitioners is below seven years, the police are directed to follow the procedure contemplated under Section 41-A of Cr.P.C. and

guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹. However, since the crime pertains to the year 2015, the 1st petitioner/A-25 shall appear before the concerned police for every 15 days in between 10.00 a.m. and 12.00 p.m. till the completion of investigation.

6. Accordingly, the criminal petition is disposed of.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

5th January, 2022

PVD

¹ (2014) 8 SCC 273

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(DISPOSED OF)

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05.01.2022

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