

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 10154 OF 2021

ORDER:

This petition is filed under Section 438 Cr.P.C. seeking bail to petitioner/A.1 in the event of his arrest in connection with Crime No.192 of 2021 of Central Crime Station Police Station, Hyderabad, registered for the offences punishable under Sections 406, 420 and 170 read with 34 of the Indian Penal Code.

2. Heard Mr.Praveen Kumar Veerjala, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

3. Learned counsel for the petitioner submits that notice under Section 41-A Cr.P.C. has been issued to the petitioner on 16.12.2021 and he has submitted reply on 22.12.2021. He submits that the petitioner is cooperating with the investigation. However, the petitioner apprehends that the police may arrest him.

4. Learned Assistant Public Prosecutor submits that as the police are already issued notice under Section 41-A Cr.P.C. to the petitioner on 16.12.2021, they will follow the guidelines formulated by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

5. This Court finds no force in the argument of the learned counsel for the petitioner that the police may arrest the petitioner in spite of issuing notice under Section 41-A Cr.P.C. Having issued notice under

¹ (2014) 8 SCC 273

Section 41-A Cr.P.C., the police cannot arrest the petitioner, without obtaining permission from the concerned Magistrate.

6. Accordingly, the criminal petition is disposed of directing the police to follow guidelines issued by the Apex Court in *Arnesh Kumar* (supra).

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 04.01.2022

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