

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10307 OF 2022

ORDER:

Heard Sri K.Ajay Kumar, learned counsel for the petitioner, as well as learned Additional Public Prosecutor, who is representing the respondent-State.

2. Seeking for pre-arrest bail, the petitioner, who is arrayed as accused, in Crime No.181 of 2022 of Mandamarri Police Station, Mancheri District, is before this Court.

3. Learned counsel for the petitioner submits that the petitioner has not committed any offences much less offences under Sections 417, 420 of I.P.C.. Learned counsel also submits that the petitioner being a C.I.S.F. Constable, could not attend before the Police in compliance of the notice issued under Section 41-A of Cr.P.C. and now, Police are trying to arrest the petitioner. Learned counsel also submits that there are no allegations attracting any provisions of law in the complaint and the only grievance of the *de facto* complainant is that the petitioner postponed the marriage.

4. The submission of learned Additional Public Prosecutor is that eight material witnesses were examined till now.

5. The requisition filed by the Station House Officer, Mandamarri Police Station, seeking permission to arrest the petitioner on the ground that he failed to appear before him on issuance of notice under Section 41-A Cr.P.C., is on record.

6. Learned counsel for the petitioner states that the petitioner did not receive any such notice.

7. Having considered these factors, the Criminal Petition is disposed of with the following directions:

- (i) The Station House Officer, Mandamarri Police Station, Mancherial District, is directed not to arrest the petitioner without following the procedure established by Law.
- (ii) The Station House Officer, Mandamarri Police Station, Mancherial District, is directed to issue fresh notice under Section 41-A Cr.P.C., if required. In case, such notice is issued, it is obligatory on the part of the petitioner to appear before the Station House Officer, Mandamarri

Police Station. Till such notice is issued and failure on the part of the petitioner to oblige such notice, no arrest shall be effected. However, it is made clear that if the petitioner fails to appear before the Station House Officer, Mandamarri Police Station, Mancherial District, even on receipt of such notice, coercive steps may be taken.

8. As a sequel, miscellaneous applications pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 28.11.2022

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