

**Crl.O.P.No.23166 of 2021****N.ANAND VENKAESH, J.**

The petitioners, who apprehend arrest at the hands of the respondent Police for alleged offences u/s 294(b), 420, 506(2), 465, 468, 471, 472 and 502 of IPC in Crime No.1147 of 2021, filed this petition, seeking for Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent Police.

3. Considering the facts and circumstances of this case and also the specific stand taken by the respondent Police to resort to the procedure under Section 41A of the Code of Criminal Procedure, this Court directs the respondent Police to follow the procedure set out in Section 41A of the Code of Criminal Procedure. The respondent Police shall issue an appearance notice to the accused in the form and manner set out in the proceedings of the Director General of Police, Tamil Nadu, viz., the Circular Memorandum in RC.No.000252/Crime 4(2)/2019 dated



30.01.2019, as amended vide Circular

Memorandum RC.No.000252/Crime 4(2)/2019 dated 07.02.2019.

The petitioners shall comply with the terms of the notice and shall also co-operate with the investigation.

4. If the petitioners complies and continues to comply with the terms of the notice, they shall not be arrested for the offences referred to therein. If, however, arrest is deemed necessary after the appearance of the petitioners, the Investigation Officer shall record reason for such an eventuality as contemplated under Section 41A (3) of the Code of Criminal Procedure, and shall adhere to the directions set out by this Court in *State .Vs. Nakeeran Gopal* reported in **[2019 1 LW (Crl.) 26]**.

5. If the petitioners evade service of appearance notice or fails to comply with the terms of the notice or appears to be unwilling to identify himself when called upon, it shall be open to the respondent Police to proceed under Section 41A(4) of the



Code of Criminal Procedure, to arrest the accused.

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This Criminal Original Petition is disposed of with the
aforesaid directions.

06.07.2023

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