

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No.5263 OF 2023**

**ORDER:**

This Criminal Petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.3 in Crime No.131 of 2023 of Hyderabad Police Station, Central Crime Station, Hyderabad District. The offences alleged against the petitioners are Sections 406, 420 read with Section 34 of Indian Penal Code and Section 5 of Telangana State Protection of Depositors of Financial Establishments Act, 1999 (for short 'TSPDFE Act').

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State.

3. As seen from the complaint, the allegation is that aggrieved persons have voluntarily invested the amount in the Company. When such amounts are voluntarily invested, the question of attracting Section 5 of the TSPDEF Act, *prima facie* is not attracted.

4. Further, on perusal of the record, since the punishment prescribed for the offences alleged against the petitioner are up to seven years, this

Court deems it appropriate to direct the Investigating Officer in FIR No.131 of 2023 on the file of the Hyderabad Police Station, Central Crime Station, Hyderabad District, to follow the procedure laid down under Section 41-A Cr.P.C and also the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***<sup>1</sup> scrupulously. The petitioner shall co-operate with the Investigating Officer in concluding the investigation.

5. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

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**K.SURENDER, J**

Date: 22.06.02023

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<sup>1</sup> (2014) 8 SCC 273

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