

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL PETITION NO: 7497 OF 2023

Between:

Belly Teja, S/o Belli Narsaiah Aged about 35 years, Occ- Outsourcing Employee R/o 1/7/173/C1 /11 Church Compound ABM Compound, Ward No. 11 Nalgonda, Nalogonda district

...PETITIONER/ACCUSED NO.2

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad. Through P.S. Banjara Hills, Hyderabad

....Respondent No.1

2. Kamal Dhawan, S/o Shri Bahadur Bheem Sain Dawan Aged 47 years, Occ- Represenative of Liberty Shoes Ltd.R/o H.No. 205, Pocket-3 Sectr-29, Alpha International City, Karnal(Hr) Haryana State.

...2nd RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner/Accused No.2 on anticipatory bail in the event of his arrest in connection with Crime No. 445 of 2023 on the file of P.S. Banjara Hills, Hyderabad during the pendency of inquiry and trial

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P.VIJAYA BHASKAR, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None Appeared for the Respondent No.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 7497 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioner/Accused No.2 seeking anticipatory bail in the event of his arrest in connection with Crime.No.445 of 2023 on the file of P.S. Banjara Hills, Hyderabad, registered for the offences punishable under Sections 406, 420 of Indian Penal Code (for short 'IPC').

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. Learned counsel for the petitioner has brought to the notice of this Court that the order passed by this Court in W.P No.13856 of 2023, dated 06.06.2023, "wherein this court has directed the police to follow the guidelines issued by the **Hon'ble Apex Court in Arnesh Kumar vs. State of Bihar and another** in the event of registration of any crime against the petitioner".

4. Since the punishment prescribed for the offences alleged against the petitioner is up to seven years, without going into merits of the case, respondent - Police are directed to scrupulously follow the procedure as contemplated under Section 41-A Cr.P.C and the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. It is needless to say, any deviation in this regard will be viewed seriously.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

¹(2014) 8 SCC 273

//TRUE COPY//

Sd/-T.JAYASREE
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The III Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Police Station, Banjara Hills, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Sri P.Vijaya Bhaskar, Advocate [OPUC]
5. Two CD Copies

Kj.



HIGH COURT

DATED:17/08/2023

ORDER

CRLP.No.7497 of 2023



DISPOSING OF THE CRL.P.

⑧ uw
13/9/23