

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.3160 of 2023

Order:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed seeking anticipatory bail by the petitioners herein, in Crime No.101 of Kadiri Town Police Station, Sri Sathya Sai District.

2. Learned counsel for the petitioners, after arguing for some time, has confined his argument to the extent of protecting the petitioners herein from the police on the ground that the offences alleged are punishable with imprisonment of less than seven years and prays this Court to direct the police to follow the procedure as contemplated under Section 41A of Cr.P.C.

3. On the other hand, learned Assistant Public Prosecutor did not oppose the same and concurred with the submission made by the learned counsel for the petitioners for the reason that the offences alleged are punishable with imprisonment of less than seven years.

4. Heard. Perused the material on record.

5. Since the offences alleged are punishable with imprisonment of less than seven years, this Court directs the police to follow the procedure as contemplated under Section 41A of Cr.P.C. scrupulously

as per the guidelines enunciated in ***Arnesh Kumar Vs. State of Bihar and another***¹.

6. With the above directions, the Criminal Petition is disposed of.
7. As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

08.05.2023
ARB

K. SREENIVASA REDDY, J.

¹ (2014) 8 SCC 273

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