

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.3269 of 2023

Order:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed seeking anticipatory bail by the petitioner herein, in Crime No.127 of 2023 of Nuzvid Rural Police Station, Eluru District.

2. Learned counsel for the petitioner, after arguing for some time, has confined his arguments to the extent of protecting the petitioner 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 petitioner 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.

K. SREENIVASA REDDY, J.

11.05.2023
ARB

¹ (2014) 8 SCC 273