



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3369]

MONDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

**PRESENT
THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO**

CRIMINAL PETITION NO: 2303/2024

Between:

T V Ashok Kumar S/o Velu, aged 40 years, R/o
No.100, Main road, Tharatchi village, Uthukottai
Taluk and Thiruvallur District, Tamil Nadu.

...PETITIONER/ACCUSED

AND

State Of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. MUCHAKAYALA NARAYANA

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR (AP)

The Court made the following Order :

This Criminal Petition is filed seeking anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 ('CrPC') to petitioner/Accused in Crime No.4 of 2024 of Varadiahapelm Police Station, Tiurpati District, registered for the offences under Section 448, 380, 427, 406 of Indian Penal Code (for short 'IPC').

2. Learned counsel for the petitioner contends that the offences alleged against the petitioner in the complaint are Section 448 and 380 of IPC and it

seems that Section 427 of IPC is struck off, whereas the FIR registered against the petitioner/accused are that Sections 448, 380, 427, 406 of IPC which are punishable with imprisonment of seven year or less than seven years and the petitioner is entitled for the benefits of notice Section 41-A Cr.P.C. and **Arnesh Kumar v. State of Bihar**¹.

3. Learned Assistant Public Prosecutor has not opposed to give notice under Section 41-A of Cr.P.C. to the petitioner.

4. In the said facts of the case, this Court deems it appropriate to dispose of this criminal petition with a direction to the police authorities to scrupulously follow the procedure prescribed under Section 41-A Cr.P.C. and also the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar's** case cited supra.

5. With the above direction, this criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE T.MALLIKARJUNA RAO

Date : 22-04-2024

SAB

¹ (2014)8 SCC 273