

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE TWENTY SECOND DAY OF APRIL

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 2303 OF 2024



Between:

T. V. Ashok Kumar, S/o. Velu, Aged about 40 Years, R/o. No. 100, Main Road, Tharatchi Village, Uthukottai Taluk and Thiruvallur District, Tamil Nadu.

...Petitioner/Accused

AND

State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati.

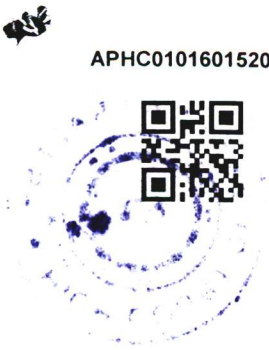
...Respondent/Complainant

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 grant Anticipatory Bail to the petitioner by directing the police to release him on bail in the event of his arrest in connection with Crime No. 4 of 2024 of Varadiahapalem Police Station, Tirupati District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Muchakayala Narayana, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following:ORDER

APHC010160152024



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

[3369]

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TWO THOUSAND AND TWENTY FOUR

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Between:

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

¹ (2014) 8 SCC 273

//TRUE COPY//

SD/- G. HELA NAIDU
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Station House Officer, Varadiahapalem Police Station, Tirupati District.
2. One CC to Sri Muchakayala Narayana, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh at Amaravathi [OUT]
4. Three CD Copies

HIGH COURT

DATED:22/04/2024

ORDER

CRLP.No.2303 of 2024



DISPOSING OF THE CRIMINAL PETITION

ssb
12/6/24