

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**CRIMINAL PETITION No.4121 OF 2020**

**ORDER:-**

This Criminal Petition is filed under Section 438 of Criminal Procedure Code, 1973 to enlarge the petitioner/A4 on bail in the event of his arrest in Crime No.401 of 2020 dt. 28.08.2020 on the file of Station House Officer, Airport Police Station, Visakhapatnam City and District, registered for the offences punishable under Section 370(A)(2) of I.P.C and Section 3(1), 4(1) and 5(1)(a) of (PIT) Prevention of Immoral Traffic Act.

2. Though several allegations are made in the petition. The learned counsel for petitioner Mr. G. Venkata Reddy contended that the offences allegedly committed by the petitioner is punishable imprisonment for less than 11 years and requested to issue a direction to the police to follow Section 41-A Cr.P.C and guidelines formulated by the Apex Court in ***“Arnesh Kumar v. State of Bihar and another<sup>1</sup>”*** without touching the merits of the case.

3. The learned Public Prosecutor contended that the offence is not punishable with imprisonment for less than 7 years and punishment prescribed for up to 10 years, but this Court need not decide whether offence committed by the petitioner is more than that and it is left open to follow the procedure and direction is issued.

4. In view of the limited request made by the learned counsel for the petitioner/A.4, without touching the merits of the case, this Criminal Petition is ***disposed of*** directing the police to follow the procedure laid down under Section 41-A Cr.P.C and the guidelines formulated by the Apex Court in **Arnesh Kumar's** case (referred

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<sup>1</sup> (2014) 8 SCC 273

supra) if the punishment prescribed under Section 370(A)(2) of I.P.C and Section 3(1), 4(1) and 5(1)(a) of (PIT) Prevention of Immoral Traffic Act.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE M.SATYANARAYANA MURTHY**

Date: 30.09.2020  
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