

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2674 of 2015

ORDER :

The petitioners, who are accused Nos.1 to 3 in Crime No. 98 of 2014 of J.Pangulur Police Station, Prakasam District, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above crime registered for the offences punishable under Sections 434, 447, 506 r/w Section 34 IPC and Sections 3(i), 3(i)(iv) and 3(i)(v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. Originally a private complaint was filed under Section 200 Cr.P.C. which was referred to police under Section 156(3) Cr.P.C. for investigation.

Though the learned counsel for the petitioners filed the present petition seeking release in the event of their arrest in Crime No.98 of 2014, he restricts his prayer seeking a direction to the Investigating agency to follow the conditions stipulated in Section 41 Cr.P.C.

Heard learned Additional Public Prosecutor appearing for the respondent-State.

From a plain reading of Section 41 Cr.P.C., it is clear that the police officer, before arresting any person, has to be satisfied that such an arrest is necessary in terms of clauses (a) to (e) of Section 41(1)(b)(ii) Cr.P.C. and he has to record reasons while making such arrest.

In view of the above and since the present incident is an outcome of a dispute between the petitioners and the informant with regard to a land, it is ordered that the investigating officer shall scrupulously follow the conditions stipulated in Section 41 Cr.P.C. and also the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar and another*** before taking any coercive steps against the petitioners.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

2nd April, 2015

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