

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION Nos.1912 & 1924 of 2015

COMMON ORDER:

A.12 & A.25 filed CrI.P.No.1912 of 2015 while A.9 & A.10 filed CrI.P.No.1924 of 2015 under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.196 of 2014 of Akiveedu Police Station, West Godavari District, registered against them and others for the offences punishable under Sections 468, 471 and 420 IPC.

Though the learned counsel for the petitioners filed the present petitions seeking release in the event of their arrest in Crime No.196 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. Further, it is to be noted that the petitioners are alleged to have committed the offences punishable under Sections 468, 471 and 420 IPC, in which the punishment extends up to 7 years. In view of the above, it is ordered that the investigating officer while exercising discretion, whether or not to arrest the petitioners herein, under Section 41

Cr.P.C. shall scrupulously follow the conditions stipulated therein and also the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar and another***^[1] before taking any coercive steps against the petitioners, more so, as the petitioners/A.10, A.12 & A.25 are women.

With the above direction, both the Criminal Petitions are disposed of. Miscellaneous petitions pending, if any in the criminal petitions, shall also stand closed.

C.PRAVEEN KUMAR,J

19th March, 2015
cbs

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[\[1\]](#) 2014 (2) ALT (CrI.) 457 SC