

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No. 3521 of 2015

ORDER:

The petitioner, who is the sole accused in Crime No. 43 of 2015 of Thondangi Police Station, East Godavari District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 323, 506 IPC and Section 3(1)(x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act').

Though the learned counsel for the petitioner filed the present petition under Section 438 Cr.P.C. seeking release in the event of arrest of the petitioner in Crime No.43 of 2015, 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.

The averments in the first information report would show that the petitioner is alleged to have committed the offences punishable under Sections 323 & 506 IPC and Section 3(1)(x) of the Act, out of which, Sections 323 & 506 are bailable. In so far as the offence punishable under Section 3(1)(x) of the Act is concerned, the maximum punishment, which can be imposed, is three years. Hence, the Investigating Agency is directed to 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 petitioner.

With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any in the criminal petition, shall also stand closed.

C.PRAVEEN KUMAR,J

22nd April, 2015

cbs

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No. 3521 of 2015

22nd April, 2015

cbs