

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No. 429 of 2015

ORDER:

The petitioner, who is accused No. 1 in Crime No.209 of 2014 of Cyber Crime Police Station, Cyberabad, 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 406, 420 IPC, and Section 66 (c & d) of I.T. Act.

Though the learned counsel for the petitioner filed the present petition seeking anticipatory bail in Crime No.209 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. For the aforesaid reasons and having regard to the nature of allegations made, it is ordered that the investigating officer while exercising discretion, whether or not to arrest the petitioner 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 (Crl.Appeal No.1277 of 2014) before taking any coercive steps against the petitioner.

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

C.PRAVEEN KUMAR,J

4th February, 2015
cbs

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