

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No. 3518 of 2015

ORDER:

The petitioner, who is the sole accused in Crime No. 92 of 2014 of Vadamalpet Police Station, Tirupati Urban, 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 403 and 420 IPC.

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.92 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, the investigating officer 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

23rd April, 2015

cbs

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