

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.2702 of 2015

ORDER:

The petitioner, who is accused No.1 in Crime No. 529 of 2014 of Narayanaguda Police Station, Hyderabad, filed the present application under Section 438 Cr.P.C. seeking release in the event of her arrest in connection with the above crime registered for the offences punishable under Sections 420, 406, 407, 408 IPC.

Though the learned counsel for the petitioner filed the present petition seeking release in the event of his arrest in Crime No.529 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

9th April, 2015

cbs

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