

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3623 of 2015

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ORDER:

The petitioner, who is accused No.38 in Crime No.196 of 2014 of Akividu Police Station, West 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 468, 471 and 420 I.P.C.

Though the learned counsel for the petitioner filed the present petition seeking release in the event of his 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 I.P.C., in which the punishment extends upto 7 years. In view of the above, 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*** 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.

JUSTICE C. PRAVEEN KUMAR

24th April, 2015

