

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.17196 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal procedure, 1973 (for short 'Cr.P.C'), is filed to quash the proceedings in Cr.No.422 of 2016 of II Town Police Station, Khammam, registered against the petitioners for the offences punishable under Sections 447, 294(b), 323, 506, r/w.34 of Indian Penal Code, 1860, on various grounds.

During hearing, the counsel for the petitioner requested to pass an order directing the police not to arrest the petitioner.

This Court cannot exercise power under Section 438 of Cr.P.C. to grant pre-arrest bail, indirectly, while exercising inherent jurisdiction under Section 482 of Cr.P.C. However, acceding to the request of the counsel for the petitioner, I deem it appropriate to direct the Station House Officer, II Town Police Station, Khammam, to follow the procedure prescribed under Section 41-A of Cr.P.C. and the guidelines laid down by the Apex Court in **ARNESH KUMAR v. STATE OF BIHAR**¹, before effecting the arrest of the petitioners.

Accordingly, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 29.12.2016
BV

¹ 2014(5) Supreme 324