

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.991 of 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/Accused 2 on pre-arrest bail since she is apprehending arrest in connection with Crime No. 1211 of 2016 on the file of Station House Officer, Hayathnagar Police Station, Rachakonda, Ranga Reddy District, registered for the offences punishable under Sections 406, 420, 354 D of IPC.

2. The learned counsel appearing for petitioner Sri Abdul Wahid Basha, after arguing the matter for some time, requested this Court to direct the Police concerned to follow the Procedure under Section 41-A of Cr.P.C and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹ without touching any merits of the case.

3. This Court need not give any direction to investigating agency to follow the guidelines of Arnesh Kumar v. State of Bihar (supra-1) since it is mandatory, moreover in the same judgment the Apex Court made it clear that violation of guidelines would amount to contempt. Therefore no direction need be given specifically and the investigating agency is bound to adhere the guidelines of Apex Court.

¹ 2014(8) SCALE 250

4. With the above observation, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 13.02. 2017
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