

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.987 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') is filed to grant pre-arrest bail to the petitioners/A.2 to A.6, apprehending their arrest in connection with Cr.No.182 of 2016 of Tappachabutra Police Station, Hyderabad, registered for the offences punishable under Sections 304-B, 498-A, 302, 201, 420 read with 34 of Indian Penal Code, 1860 (for short, 'I.P.C.') and Sections 3 and 4 of The Dowry Prohibition Act, 1961.

The case of the prosecution, in brief, is that A.1 throttled his wife on 15.11.2016 in a heat of passion and the petitioners/ A.2 to A.6 allegedly subjected her to cruelty. But as seen from the material, A.1 alone appears to be responsible for the offence punishable under Section 302 of I.P.C. But these petitioners are responsible for the other offences.

At this stage, learned counsel for the petitioners requested this court to issue a direction to the investigating agency to follow the procedure contemplated 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.

It is needless to issue such direction since the investigating agency is bound to follow the procedure contemplated under Section 41-A of Cr.P.C. and the guidelines laid down by the Apex court in **Arnesh Kumar**'s case referred to supra, otherwise it amounts to contempt of the court.

¹ (2014) 8 SCC 273

Therefore, in those circumstances, the investigating agency is directed to follow the procedure referred above, if applicable, to the offences allegedly committed by the petitioners.

With the above direction, the criminal petition is disposed of.

M. SATYANARAYANA MURTHY, J

17.02.2017

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