

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No. 2777 OF 2018

ORDER:

This petition is filed, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), seeking for grant of anticipatory bail to the petitioner-accused in Crime No. 27 of 2018 of Mannur Police Station, YSR Kadapa District, registered for the offences punishable under Sections 447 and 427 read with Section 34 IPC and Section 3 (1) (g) of SC ST (POA) Act, 2015.

2. Heard learned counsel for the petitioner and learned Public Prosecutor (A.P.).

3. The petitioner approached this Court earlier and by virtue of order dated 12-02-2018 in Criminal Petition No. 1552 of 2018, this Court directed the police to issue Section 41-A Cr.P.C. notice and follow the guidelines issued by the Apex Court in *Arnesh Kumar Vs. State of Bihar*¹ before arresting the petitioner. Learned counsel for the petitioner now submits that the police since then did not issue Section 41-A Cr.P.C. notice but they are trying to arrest the petitioner.

4. In the considered the opinion of this Court, when there is a specific direction from this Court, it is for the police to comply with Section 41-A Cr.P.C. and the police are not permitted to arrest the petitioner without doing so. If any such arrest is done, it would be in contempt of the order passed by this Court in the above Criminal Petition, for which the petitioner has suitable remedies.

¹ (2014) 8 SCC 273

5. Subject to the above observation and direction, the criminal petition is dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

14-03-2018.
JSK

T. RAJANI, J

