

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No. 2776 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 petitioners-accused Nos. 1 and 2 in Crime No. 39 of 2018 of Mannur Police Station, YSR Kadapa District, registered for the offences punishable under Section 506 read with Section 34 IPC and Section 3 (1) (r) (s) of SC ST (POA) Act, 2015.

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

3. The petitioners approached this Court earlier and by virtue of order dated 12-02-2018 in Criminal Petition No. 1553 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 petitioners. Learned counsel for the petitioners now submits that the police since then did not issue Section 41-A Cr.P.C. notice but they are trying to arrest the petitioners.

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 petitioners 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 petitioners have 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

