

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.3867 OF 2018

ORDER:

This criminal petition, under Section 438 of the Code of Criminal procedure, 1973 (for short 'Cr.P.C'), is filed to issue a direction to the Station House Officer, II Town Police Station, SPSR Nellore District, to release the petitioner on bail in the event of his arrest in connection with Crime No.19 of 2018 registered for the offence punishable under Sections 323, 355 read with 34 of the Indian Penal Code, 1860 and Section 3(2)(V)(a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) amended Act, 2015.

Learned counsel for the petitioners, after arguing the matter for some time, requested this Court to direct the police to follow the procedure prescribed under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in **ARNESH KUMAR v. STATE OF BIHAR**¹, before affecting the arrest of the petitioners.

Acceding to the request of the learned counsel for the petitioner, without touching the merits, I find that it is a fit case to issue direction to the police to follow the procedure prescribed under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in **ARNESH KUMAR** case (referred supra), before affecting the arrest of the petitioners.

¹ 2014(5) Supreme 324

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It is needless to remind the Station House Officer, II Town Police Station, SPSR Nellore District, that violation of the directions issued by the Apex Court in **ARNESH KUMAR** case (referred supra) would lead to file contempt petition before the Court having jurisdiction.

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

M. SATYANARAYANA MURTHY, J

Date: 24.04.2018
BV

