

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3611 OF 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by the accused Nos.1 and 2, apprehending their arrest, in Crime No.50 of 2018 on the file of Nallapdu Police Station, Guntur District, registered for the offence punishable under Section 420 of Indian Penal Code (for short "I.P.C.") to direct the Station House Officer, Nallapadu Police Station to release them on bail in the event of their arrest in connection with the above crime.

Learned counsel for the petitioners after arguing for sometime, requested this Court to direct the police to follow the procedure laid down under Section 41-A of Cr.P.C and guidelines formulated by the Apex Court in ***"Arnesh Kumar v. State of Bihar"***¹.

Acceding to the request of the learned counsel for the petitioners and without touching the merits of the case, I deem it appropriate to direct the police to follow the procedure laid down in Section 41-A of Cr.P.C. and guidelines prescribed in ***"Arnesh Kumar v. State of Bihar"*** (referred supra). It is needless to mention that the Supreme Court made it clear that violation of guidelines formulated in ***"Arnesh Kumar v. State of Bihar"*** (referred supra) amounts to Contempt of Court action. Therefore, the Investigation Agency is directed to follow the procedure laid down under Section 41-A of Cr.P.C. and guidelines formulated by the Apex Court in ***"Arnesh Kumar v. State of Bihar"*** (referred supra).

With the above direction, the petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

02.04.2018

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¹ (2014) 8 SCC 273