

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3614 OF 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by the accused, apprehending her arrest, in Crime No.622 of 2017 on the file of Sanjeevareddy Nagar Police Station, Hyderabad District, registered for the offence punishable under Sections 323 and 354 read with 34 of Indian Penal Code (for short "I.P.C.") and under Section 3 (e) (r) (s) of S.Cs. and S.Ts. (POA) Act to direct the Station House Officer, Sanjeevareddy Nagar Police Station to release her on bail in the event of her arrest in connection with the above crime.

Learned counsel for the petitioner 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 petitioner 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
Ksp

¹ (2014) 8 SCC 273