

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.4531 of 2018

ORDER

This petition is filed under Section 438 of Cr.P.C., to grant pre-arrest bail to petitioners/A2 and A3 in Cr.No.137 of 2017 of Elamanchili Police Station, West Godavari District, registered for the offence punishable under Section 3(1)(f) of SCs & STs (POA) Act,1989, on various grounds.

2. Learned counsel for petitioners, after arguing the matter for sometime, requested this Court to direct the police concerned to follow the procedure as 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.

3. Acceding to the request of the counsel for petitioners and since the offence allegedly committed by the petitioners is not punishable with imprisonment for more than 10 years, I deem it appropriate to direct the police concerned to follow the procedure under Section 41-A Cr.P.C., and the guidelines issued by the Apex Court in **Arnesh Kumar's** case, referred supra.

4. The counsel for petitioners is directed to furnish the address particulars of petitioners/A2 and A3 to the Public Prosecutor for the State of Andhra Pradesh enabling the police to serve notice under Section 41-A of Cr.P.C., on the petitioners/A2 and A3. It is needless to remind the police that violation of guidelines would lead to contempt of Court.

¹ (2014) 8 SCC 273

5. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

24th April, 2018

sj

