

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.4549 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, Narsipatnam Town Police Station, Visakhapatnam District, to release the petitioners on bail in the event of their arrest in connection with Crime No.53 of 2018 registered for the offence punishable under Sections 354-D and 506 read with 34 of the Indian Penal Code, 1860 and Section 3(i)(r)(s) and 3(ii)(v)(a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) amended Act, 2015.

The case of the prosecution in brief is that the defacto complainant lodged a complaint alleging that they are members of Mahila Sangham belonging to SC and that they wanted to give a representation to the Revenue Divisional Officer in regard to the changes in SC/ST Act and at that point of time, there was dharna being done by the YSR Congress Party members in front of the Sub-Collectorate Office and on seeing them, the dharna people have scolded them in caste language and-----

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.

¹ 2014(5) Supreme 324

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Acceding to the request of the learned counsel for the petitioners, 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.

It is needless to remind the Station House Officer, LMD colony Police Station, Karimnagar 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:30.04.2018
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