

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.4821 OF 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by the accused No.1, apprehending his arrest, in Crime No.30 of 2018 on the file of II Town Police Station, Tirumala, Tirupathi Urban District, registered for the offence punishable under Sections 420, 468 and 471 of Indian Penal Code (for short "I.P.C.") to direct the Station House Officer, II Town Police Station, Tirumala, Tirupathi Urban to release him on bail in the event of his 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 and another"***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 formulated by the Apex Court in ***"Arnesh Kumar v. State of Bihar and another"*** (referred above). Therefore, the Investigation Agency is directed to follow the procedure laid down in Section 41-A of Cr.P.C. and guidelines formulated by the Apex Court in ***"Arnesh Kumar v. State of Bihar and another"*** (referred above). It is needless to mention that the Supreme Court made it clear that violation of guidelines in ***"Arnesh Kumar v. State of Bihar"*** (referred supra) amounts to Contempt of Court action.

With the above direction, the petition is disposed of.

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

JUSTICE M. SATYANARAYANA MURTHY

20.04.2018

Ksp

¹ (2014) 8 SCC 273