

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.4871 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, Aswapuram Police Station, Bhadradri Kothagudem District, to release the petitioner/A.1 on bail in the event of his arrest in connection with Crime No.38 of 2018 registered for the offence punishable under Sections 323, 294(b) of the Indian Penal Code, 1860 and Sections 3(1)(s)(v) (r)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) amended Act, 2015.

Learned counsel for the petitioner, 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 petitioner.

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

¹ 2014(5) Supreme 324

- 2 -

It is needless to remind the Station House Officer, Aswapuram Police Station, Bhadradri Kothagudem 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:01.05.2018
BV

