

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6058 OF 2018

ORDER:

Heard learned counsel for the petitioners-A.2 & A.3 in crime No.77 of 2018 of Khammam II Town Police Station, Khammam District, registered for the offences punishable under Section 498-A IPC and Section 3(1)(r) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short, 'the Act') and learned Public Prosecutor representing the State and perused the material on record.

A perusal of the material on record no way deserves the concession of anticipatory bail by the petitioners, but for to say for none of the offences are punishable above seven years the Police strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹ and further if at all any arrest is required, the Police should follow the guidelines as laid down by the Apex Court in **Dr. Subhash Kashinath Mahajan v. State of Maharashtra**² wherein it was held as follows:

“that in absence of any other independent offence calling for arrest, in respect of offences under the Atrocities Act, no arrest may be effected, if an accused person is a public servant, without written permission of the appointing authority and if such a person is not a public servant, without written permission of the Senior Superintendent of Police of the District - such permissions must be granted for recorded reasons which must be served on the person to be arrested and to the

¹ (2014) 8 SCC 273

² 2018 (2) ALT 50 SC

concerned court - As and when a person arrested is produced before the Magistrate, the Magistrate must apply his mind to the reasons recorded and further detention should be allowed only if the reasons recorded are found to be valid - To avoid false implication, before FIR is registered, preliminary enquiry may be made whether the case falls in the parameters of the Atrocities Act and is not frivolous or motivated.”

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 09.07.2018
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