

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6061 OF 2018

ORDER:

The petitioner is the sole accused in Crime No.146 of 2018 on the file of Ongole I Town Police Station, Prakasam District. The crime is registered on 26.05.2018 for the offences punishable under Sections 354-A, 354-D IPC and Section 3(1)(w)(ii of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act , 2015 (for short, 'the Act') for the alleged illegal harassment and teasing in inviting for sex by the accused with the *de facto* complainant, who is working as Senior Accountant in APGLI Office, Ongole and the accused while working as the Assistant Director in APGLI office in Nellore, given in-charge of the APGLI office in Ongole.

2. Heard the learned counsel for petitioner and the learned Public Prosecutor and perused the F.I.R., bail application averments and the case diary file.

3. A perusal of the material on record no way deserves the concession of anticipatory bail by the petitioner, 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 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.

Dr. B. SIVA SANKARA RAO, J

05.07.2018
MVA

¹ (2014) 8 SCC 273

² 2018 (2) ALT 50 SC