

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9985 of 2018

ORDER:

The petitioner is the sole accused in crime No.59 of 2018 of Gudipalli Police Station, Chittoor District, registered for the offences punishable under Sections 323, 354 and 506 IPC of the alleged occurrence dated 16.08.2018 at about 06.30 PM, the accused went to the house of the defacto complainant in the absence of her husband and when defacto complainant and her daughter (since died later in the motor accident on the same day) and also outraged her modesty and for the cries he fled away and as he threatened to do away, fearing of harm in his hands, the defacto complainant with her minor daughter started going to her mother's house, it is at about 08.00 PM while going to Pedakurthikunta Village to inform her mother and take her assistance to go to police station and report the occurrence against the accused in the way at Gudupalli milk van dashed from which the minor daughter sustained serious injuries and breathed last even herself and other also sustained injuries and hospitalized and undergoing treatment and with great difficulty she approached the police and given the report.

Heard learned counsel for the petitioner and learned Public Prosecutor representing the State and perused the FIR, bail application averments and material on record.

A perusal of the record from the bail application averments and the FIR vis-à-vis part-I case diary, the petitioner is not entitled to the concession of anticipatory bail. However, it is made clear that as none of the offences are punishable above seven years, the Police in the event of arrest strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in **Arnesh Kumar v. State of Bihar**¹.

Having regard to the above, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, shall stand closed.

Date: 26.09.2018
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Dr. B. SIVA SANKARA RAO, J



¹ (2014 (2) ALT (CrI.) 457 SC)