

POLICE CIRCULAR ORDER NO. 264/86

SUBJECT : Guide lines for making arrest by Police Officers.

The National Police Commission in its Third Report has observed that though police have been vested with the powers of arrest for their effective handling of law and order and crime problems, even then, some broad guidances for making arrest are necessary in view of the fast changing milieu and public attitude to police arrests.

The Commission has recommend in this context that an arrest during the investigation of a cognizable case may be considered, justified in one or other of the following circumstances :—

(i) The case involves a grave offence like murder, dacoity, robbery, rape etc. and it is necessary to arrest the accused and bring his movements under restraint to infuse confidence among the terror stricken victims and to facilitate collection of physical and medical evidence;

(ii) The accused is likely to abscond and evade the processes of law;

(iii) The accused is likely to indulge in violent behaviour and commit further offences unless his movements are brought under restraint;

(iv) The accused is a habitual offender and unless his movements are brought under restraint, he is likely to commit similar offences again.

It has also been recommended by the Commission that the grounds of arrest must be noted in the case diary. In appropriate cases, it would be adequate either during or at the end of the investigation to take bonds from the accused persons as per Section 170 Cr. P.C.

In view of the above it is hereby ordered that the prescribed guidelines should be strictly adhered to by all officers while effecting arrest of persons, involved in cognizable cases and in petty and unimportant cases the officers would use their discretion properly and take bonds from the accused persons concerned to appear in the courts under Section 170 Cr.P.C. instead of affecting their arrest in a routine manner. The grounds of arrest should be recorded in the case diary and communicated to the accused concerned in accordance with Section 50 Cr. P.C.

B. K. PANIGRAHI
Director-General of Police, Orissa