

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2569 of 2015

ORDER:

The petitioner, who is accused No.1, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in C.C.No.354 of 2010 on the file of the Judicial First Class Magistrate, Kurnool, which arose out of Crime No.238 of 2009 of Kurnool III Town Police Station.

A perusal of the material on record discloses that a case in Crime No.238 of 2009 of Kurnool III Town Police Station came to be registered against the petitioner and others for the offences punishable under Section 498-A read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The police investigated into the matter and filed the charge sheet which was taken on file as C.C.No.354 of 2010. As the petitioner failed to attend the Court, the learned Magistrate issued non-bailable warrant against the petitioner and the same is pending execution since 2010. The record also discloses that an application for grant of anticipatory bail was dismissed by the lower Court on 27.07.2009 and six years later, the present application is filed seeking anticipatory bail in the above C.C.

Learned counsel for the petitioner submits that the petitioner is willing to come to India and settle the dispute with the informant. He further submits that the petitioner is coming to India on 26.04.2015 and that the execution of warrants may be stayed for few days. He further submits that the petitioner is willing to surrender before the concerned Court and abide by any condition.

Having regard to the circumstances of the case, the non-bailable warrant issued against the petitioner is hereby stayed for a period of five days from 26.04.2015. The petitioner shall appear before the Court concerned and make an application for recall of warrants, in which event the same shall be considered on certain terms and conditions as the said Court deems fit and proper. It is needless to mention that the learned Magistrate shall take all steps to secure the presence of the accused during trial.

With the above direction, the Criminal Petition is disposed of.

C.PRAVEEN KUMAR,J

02.04.2015

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