

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.12034 of 2016

ORDER

The petitioner, who is A.1 in crime No.78 of 2012 of Parchur Police Station, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with above case registered for an offence punishable under Sections 498A IPC and Sections 3 and 4 of Dowry Prohibition Act.

Heard learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent-State.

A charge sheet came to be filed by the Police in C.C.No.19 of 2013 on the file of Judicial Magistrate of First Class, Parchur, showing the petitioner as absconding. As such, case against A.1 was split up and numbered as C.C.No.92 of 2014. It is stated that the other accused are facing trial in C.C.No.19 of 2013. It is well settled that petition under Section 438 Cr.P.C. is maintainable even in cases where non-bailable warrants are issued.

Considering the facts and circumstances of the case, this Court is inclined to consider the request of the petitioner on certain terms and conditions.

Therefore, the petitioner shall appear before concerned Court along with an application for recall of warrant, in which event, the Court below shall recall the warrant issued against the petitioner on the same day on condition of his executing a personal bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for a like sum each to the satisfaction of the trial Court. Further, the petitioner shall report before the trial Court on every alternate day for a period of twelve weeks. However, it is needless to mention that the petitioner appear before the trial Court on every date of adjournment failing which the Prosecution is at liberty to take steps for cancellation of bail granted in favour of the

petitioner.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

22.08.2016

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