

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8628 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner, seeking release in the event of his arrest in connection with Crime No.293 of 2018 on the file of Madhapur (Guttala) Police Station, Cyberabad District, registered for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

3. Undisputedly, the petitioner is in U.S.A and the de facto complainant is his wife. He is A1 in the above crime, dated 29.03.2018 and his other family members are A2 to A5. The present anticipatory bail while referring to he cause filed through General Power of Attorney, a divorce case against his wife, the de facto complainant, on 28.05.2018, before the Family Court, Kukatpally. Besides his wife already filed a D.V.C.No.48 of 2018 pending on the file of IX Metropolitan Magistrate Court, Kukatpally and another Crime No.279 of 2018 dated 21.03.2018 for the offences punishable under Sections 351, 323 and 506 IPC and the de facto complainant also filed a divorce petition against him with monitory benefit on 24.06.2018 in USA Court, he wants to come down to India and settle the dispute by submitting to the jurisdiction of the

learned Magistrate in the above crime and there is apprehension of arrest before reaching the Court at the Airport and thereby, seeking anticipatory bail.

4. It is not mere grant of anticipatory bail, leave about A2 to A5 anticipatory bail was ended in dismissal, including from the expression of the Apex Court in *Rajesh Sharma v. State of U.P*¹ of the Court has to make efforts for reconciliation if any by referring the couple for possible settlement, Section 41-A notice already stated given to A2 to A5, so far as the petitioner/ A1 is concerned, he has to come down to India and submit to the jurisdiction of the Court and move for regular bail or anticipatory bail as the case may be and thereby this application is disposed of, by giving interim protection so as to come down to India and submit to the jurisdiction of the learned Magistrate, where crime is pending with a direction to the police not to arrest the petitioner/ A1 for a period of one month from today.

5. Accordingly, the Criminal Petition is disposed of.

6. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:27.08.2018
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¹ .(2017(2) ALT CrI. 393 (SC))