

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.10266 OF 2018

ORDER:

The petitioner is A1 in Crime No.66 of 2011 of Indrapalem Police Station, East Godavari District, registered for the offence punishable under Section 498A IPC and Sections 3 & 4 of the Dowry Prohibition Act, from which the police filed final report and taken cognizance by the learned V Additional Judicial First Class Magistrate, Kakinada, allotting C.C.No.42 of 2014 (originally C.C.No.203 of 2011 before the Special Mobile Judicial First Class Magistrate, Kakinada) against A1 & A2, of whom the petitioner is A1.

2. Heard the learned counsel for petitioner and the learned Special Assistant Public Prosecutor representing the State of Andhra Pradesh in opposing the same and perused the material on record.

3. A perusal of the charge sheet shows A2 was surrendered and granted bail in CrI.M.P.No.574 of 2011 by order dated 29.04.2011 passed by the learned III Additional District & Sessions Judge and the petitioner-A1 is at abroad and the Court addressed the Superintendent of Police, East Godavari District, Kakinada, to address the Passport authorities to impound the Passport of A1 and to put the name of A1 in L.O.C. and to issue N.B.W. to produce A1 before the Court.

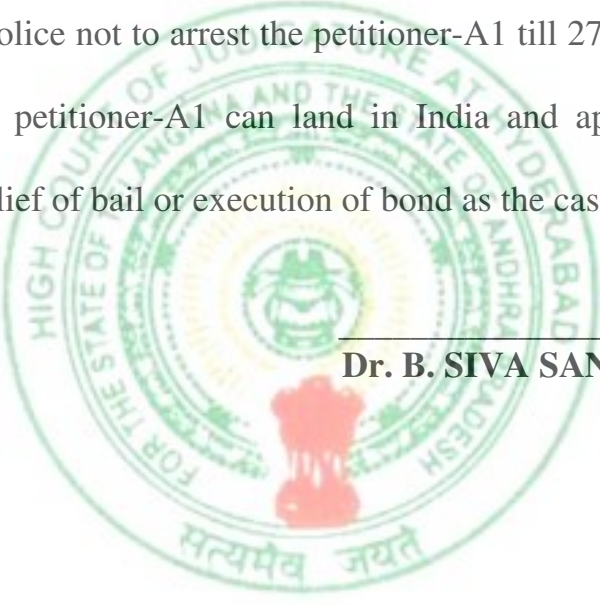
4. The petitioner along with A2 later filed quash petition under Section 482 Cr.P.C. in CrI.P.No.6598 of 2011 before this Court that was ended in dismissal on 06.03.2018 and the interim stay granted on

04.08.2011 in Crl.P.M.P.No.6768 of 2011 stands vacated with the observation of there is *prima facie* material to prosecute the petitioners.

5. The petitioner is now seeking anticipatory bail. However, he is not in India and still at abroad. It is the submission of the learned counsel for petitioner that the petitioner is going to land in India by 24.10.2018 and appear before the learned Magistrate concerned on the date of hearing fixed of 24.10.2018.

6. Having regard to the above, this Criminal Petition is disposed of directing the police not to arrest the petitioner-A1 till 27.10.2018. In the meantime, the petitioner-A1 can land in India and approach the trial Court to get relief of bail or execution of bond as the case may be.

05.10.2018
MVA

A circular green seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh. The outer ring contains the text 'HIGH COURT OF JUDICATURE AT HYDERABAD' and 'FOR THE STATE OF ANDHRA PRADESH'. The inner circle features the Ashoka Lion Capital and the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script.

Dr. B. SIVA SANKARA RAO, J