

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.860 OF 2019

ORDER:

The petitioner is A-1 of Crime No.276 of 2018, dated 20.12.2018, of Women Police Station, Saroornagar, registered for the offences punishable under Section 498-A of Indian Penal Code, 1860 (for short, 'IPC') and Sections 3 & 4 of Dowry Prohibition Act, 1961, against the petitioner among others. The *de facto* complainant is no other than his wife of the wedlock, dated 18.02.2012.

2. Heard the learned counsel for the petitioner in the anticipatory bail application and also the learned Public Prosecutor in opposing the same representing the respondent State. Perused the grounds urged in the anticipatory bail application, *vis-à-vis* the FIR contents and the dismissal order of the anticipatory bail by the learned XIII Additional Sessions Judge, Ranga Reddy District, at L.B. Nagar, in CrI.M.P.No.452 of 2019, dated 02.02.2019, particularly the observations in para 4 and also consider the scope of Section 41-A, particularly Sub-clause 4 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'). Perused the material on record supra.

3. Once police issued notice under Section 41-A Cr.P.C. to the petitioner and he failed to comply, the police are entitled to arrest him subject to the permission of the learned Magistrate, as contemplated by Section 41-A clause 4 Cr.P.C. It is not even a case of there is any eminent danger of arrest to maintain the anticipatory bail application, for nothing shown of any application filed before learned Magistrate and any permission accorded even to consider though otherwise maintainable.

4. In view of the facts, he does not deserve any concession of anticipatory bail, but for to say it is not a bar for his surrender and to consider the bail application after hearing the learned Public Prosecutor, as early as possible, on merits, for the offence is not punishable above three years.

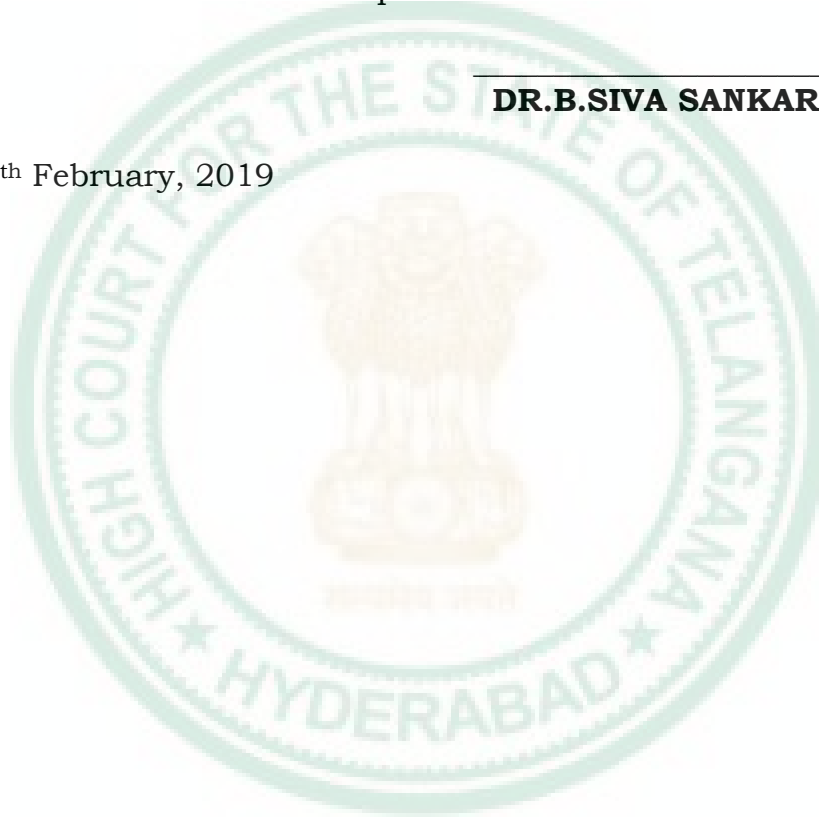
5. Accordingly, rather than dismissal, the Criminal Petition, is disposed of.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 20th February, 2019

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