

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1067 of 2015

ORDER :

The petitioner, who is the sole accused in Crime No. 369 of 2014 of Nalgonda II Town Police Station, Nalgonda District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 498-A and 307 IPC.

The case of the prosecution is that the marriage of the informant with the petitioner took place in January, 1991. Out of the wedlock, they were blessed with a male child. In the month of May, 1992 the petitioner is alleged to have married another woman by name Valiyad Begum and thereafter started harassing the informant for additional dowry. Unable to bear his harassment, the informant filed a complaint under Sections 498-A and 506 IPC and also a domestic violence case against the petitioner which are pending. While things stood thus, on 11.12.2014 at about 10.00 a.m. the petitioner came to the informant, demanded her to withdraw the cases filed against him and attacked on her with a sewing scissor causing injuries. Basing on these allegations, the above crime came to be registered.

The learned counsel for the petitioner submits that the allegations made in the report are all false and are invented for the purpose of filing the report. According to him, earlier the informant lodged a report against the petitioner for the very same offence which ended in acquittal. He also refers to filing

of several cases by the informant against the petitioner.

The learned Additional Public Prosecutor opposed the application contending that the petitioner is still undergoing treatment in the Government Hospital at Nalgonda and her statement was recorded while taking treatment in the hospital.

A perusal of the material placed before the Court would show that the statement of the informant was recorded while she was undergoing treatment in the Government Hospital, Nalgonda. The instructions received by the Additional Public Prosecutor show that the informant is still in the Government Hospital. The statement of the informant discloses the attack by the petitioner with a sewing scissor causing grievous injuries to her. In view of the above, I am not inclined to consider the request of the petitioner.

At this stage, the learned counsel for the petitioner submits that the petitioner is a Government employee and if the petitioner is arrested, he may lose his job. Having regard to the said circumstance, the petitioner is advised to surrender before the concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, on the same day or at least by the next day.

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

JUSTICE C. PRAVEEN KUMAR

19th February, 2015
cbs

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