

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 389 OF 2015

ORDER:

The present criminal Revision is filed aggrieved by the order dated 24-02-2015 passed in CrI.M.P.No.152 of 2015, wherein and whereunder, the anticipatory bail granted to the petitioner was cancelled.

The case of the prosecution is that Cr.No.2 of 2015 of Women Police Station came to be registered against the petitioners and others for the offences, punishable under Sections 498-A, 307 r/w 34 IPC and Section 4 of Dowry Prohibition Act. Initially, the learned Sessions Judge, Kurnool granted anticipatory bail to the petitioners. One of the grounds which weighed with the Sessions Court was the divorce obtained by A-1 in F.C.O.P.No.110 of 2012. In support of the same, petitioners herein along with A-1 placed a copy of the decree of divorce in the said O.P. before the said Court. Subsequently, the State has filed an application for cancellation of bail, which was allowed on the ground that the copy of the decree, which was filed before the Court, is a manipulated one and it is a fake document. The Court also held that the copy of the decree, which was placed before the Sessions Court at the time of obtaining anticipatory bail was found to be a fraudulent order and said order was not in existence at all. In fact the said O.P. was dismissed and not decreed as disclosed in the F.C.O.P.order placed before the Court. Challenging the same, the present Revision is filed.

Learned counsel for the petitioners submits that the petitioners who are A-3 and A-4 are not aware of the contents of the said order and they are innocent of the same.

Per contra, the learned Public Prosecutor denied the same contending that the petitioners and A-1 used a fake document as genuine and obtained anticipatory bail.

A perusal of the order granting bail would disclose that the learned Sessions Judge relied upon the said document while granting anticipatory bail to the petitioners and A-1. On verification it was found that no such order was in existence. It is a case where the petitioners along with A-1 mislead the Court by placing on record the order which was never passed by the said Court. Hence, without going in to the merits of the case, this Court is of the opinion that though the offences alleged one is under Sections 498-A and 307 IPC and Section 4 of D.P.Act but having regard to the manner in which the petitioners obtained anticipatory bail, I am not inclined to interfere with the order under challenge.

Accordingly, the Criminal Revision Case is dismissed. However, it is always left open to the petitioners to surrender before the trial Court and make an application for bail, which shall be dealt with in accordance with law.

C. PRAVEEN KUMAR, J

12-03-2015
nvl