

HON'BLE SRI JUSTICE P.NAVEEN RAO

CRIMINAL PETITION No.16383 of 2014

ORDER:

The petitioner/A.1 filed the present application under Section

438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of his arrest in connection with Crime No.236 of 2014 of Nellore VI Town Police Station, Nellore District, registered for the offences punishable under Sections 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The case of the prosecution is that the petitioner No.1 is the husband of the *de facto* complainant. The petitioner No.1 along with his parents harassed the *de facto* complainant physically and mentally for additional dowry and due to the harassment at the hands of the petitioner and his parents, the *de facto* complainant left the matrimonial house and residing with her parents' house at Nellore. Basing on these allegations, the above case came to be registered.

3. Petitioner filed CrI.M.P.No.1886 of 2014 before the Special Judge for trial of Offences under the SCs and STs (POA) Act, 1989-cum-V Additional Sessions Judge, Nellore, (FAC) VI Additional Sessions Judge, Nellore, praying to grant anticipatory bail and the same was dismissed by order dated 17.12.2014.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State.

5. With regard to the nature of allegations made against the petitioner, no anticipatory bail as sought for can be granted. However liberty is given to the petitioner/A.1 to surrender before the learned Magistrate and move regular bail after giving notice to the learned Public Prosecutor concerned, and in such an event, the learned Magistrate is required to consider on its own merits the application to grant bail preferably on the same day, if not at least on next day and subject to such conditions as may be necessary, in accordance with law.

6. Accordingly, the criminal petition is disposed of.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE P.NAVEEN RAO

13th January 2015

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