

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 16160 of 2014

ORDER:

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The petitioner, who is accused No.1, filed this Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.270 of 2014 of Women Police Station, CCS, DD, Hyderabad, registered for the offences punishable under Sections 498-A and 406 IPC and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

At the time when the matter is taken up for hearing, it is brought to the notice of the Court that earlier the petitioner approached this Court vide Criminal Petition No.12522 of 2014 seeking the same relief, which was rejected on 16.10.2014. Now the present application is filed stating that the police have completed the investigation and filed the charge sheet.

Learned Public Prosecutor submits that police have not yet filed charge sheet and there being no change in fact situation, the request of the petitioner cannot be accepted.

In ***State of Tamilnadu vs. S.A.Raja***^[1] the Apex Court held that without there being any major change of circumstances, another fresh application should not have been dealt with within a short span of time unless there were valid grounds giving rise to a tenable case for bail. The Court further held the principles of *res judicata* are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents.

A perusal of the averments made in the First Information Report would disclose that the marriage of the informant with the petitioner took place on 24.08.2013. On a demand made by the accused, the parents of the informant gave cash of Rs.5.00 lakhs as dowry apart from giving 5 tulas of gold and furniture to the accused. It is stated that right from the date of marriage, all the accused started harassing the informant to get additional dowry of Rs.10.00 lakhs. She bore all the harassments with a hope that there would some change. It is stated that in the month of October, 2013 while the in-laws were at Delhi, accused No.1 used to insult the informant stating that she was not doing the work properly apart from threatening her with dire consequences if she fails to get Rs.10.00 lakhs and a car as demanded by his mother. It is alleged that though the health condition of the informant was deteriorating, accused No.1 did not make any effort to provide treatment. It is stated that after the arrival of her mother-in-law in the month of December, 2013 the harassment of dowry increased. It is stated that on one occasion the accused tried to kill her by strangulating her. As stated earlier the bail application filed by the petitioner was rejected on 16.10.2014. There are no changed circumstances warranting interference of this Court.

In view of the judgment referred to above, since the allegations in the report do make out a *prima facie* case and as there are no changed circumstances, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

19.01.2015

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[\[1\]](#) 2005 (8) SCC 380