

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.10072 of 2016

ORDER:

The petitioner, who is accused No.1 in Crime No.32 of 2016 of Buchireddipalem Police Station, SPSR Nellore District, filed the present Criminal Petition 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 420 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

The case of the prosecution is that the marriage of the informant was performed with the petitioner in the month of January, 2015. At the time of marriage, the parents of the informant gave cash of Rs.2.00 lakhs and 15 sovereign gold, bracelet, chain and ring apart from other household articles. It is alleged that the marriage could not be consummated due to ill health of the petitioner. Meanwhile the brother of the petitioner married one Srilakshmi. Since then all the accused started harassing her both physically and mentally to bring additional dowry of Rs.1,00,000/-. On coming to know about the same, the father of the informant gave Rs.50,000/-, but even there was no change in their attitude. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner mainly submits that the marriage was not consummated and in view of the inconsistent averments in two reports, the petitioner is entitled for anticipatory bail.

On the other hand, learned Public Prosecutor submits that impotency was suppressed at the time of marriage which itself is a ground to reject the bail application.

As seen from the report, the first report was lodged before the grievance cell and the second report was lodged before the regular police. It is true that there is some variation with regard to payment of dowry at the time of marriage in both the reports, but at the same time it is to be noted that the marriage was not consummated, probably due to impotency. Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised shall surrender before the Court concerned and make an application for regular bail after giving prior notice to the Public Prosecutor concerned, in which event the same shall be considered in accordance with law on the same day or at the earliest.

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

C. PRAVEEN KUMAR, J

21.07.2016

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