

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.2197 of 2016

ORDER :

The petitioner, who is accused No.1 in Crime No.115 of 2015 of Kurnool Mahila Police station, Kurnool District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in the above crime, registered for the offences punishable under Sections 498-A, 307, 506 and 494 read with 34 IPC and Section 4 of the Dowry Prohibition Act, 1961.

The case of the prosecution is that that the marriage of the informant was performed with the petitioner on 15.08.1999. At the time of marriage, the parents of the informant gave cash of Rs.2.00 lakhs, 30 tolas gold, 64 tolas silver and other household articles worth Rs.1,00,000/-. After the marriage they lived happily for few days later the petitioner is alleged to have harassed the informant both physically and mentally for additional dowry. The petitioner developed illicit intimacy with accused No.2 and on one occasion, the petitioner is alleged to have made an attempt to kill the informant by pressing a pillow on her face and by leaking gas in the house. Accused Nos.3 and 4 are alleged to have threatened the informant stating that if she did not give consent for second marriage of the petitioner with accused No.2 they will see her end. Later the petitioner contacted second marriage with accused No.2 without consent of the informant. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner submits that all the allegations made against the petitioner are false and baseless. He submits that though this Court rejected the earlier application, but all the relevant facts were not placed before the Court.

Learned Additional Public Prosecutor opposed the application.

It is to be noted that earlier the petitioner filed Criminal Petition No.864 of 2015 seeking the same relief but by an order dated 03.02.2016, this Court rejected the request of the petitioner on the ground that a *prima facie* case is made out against the petitioner.

A perusal of the material on record would show that much prior to the lodging of the report, the petitioner herein gave talaq to the informant on 08.10.2015. Thereafter, in the month of November, 2015 the petitioner is said to have filed W.P.No.36415 of 2015 questioning the illegal detention of Smt. Shaik Neha Tabassum, whom he is said have married. A week after passing of the order in the said writ petition, the present criminal case came to be lodged.

Having regard to the facts and circumstances of the case, the petitioner is directed to surrender before the Court concerned and make an application for regular bail, in which event the same shall be considered on such terms and conditions as the Court deems fit and proper, on the same day.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

18.03.2016
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