

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.5328 of 2017

ORDER:

In this petition filed under Section 438 Cr.P.C., petitioners/A1 to A6 seek for pre-arrest bail in Crime No.123 of 2017 of Matwada PS, Warangal District which was registered against the petitioners for the offences under Sections 498A, 452, 427, 307 and 506 IPC and Sections 3 and 4 of Dowry Prohibition Act.

2) *De-facto* complainant is the wife of A1. A2 is the mother, A3 and A4 are sisters and A5 is the brother of A1. A6 is the husband of A3. The marriage between the complainant and A1 took place on 15.08.2014 and within short time after marriage all the accused demanded for additional dowry and ultimately they drove her away from the matrimonial home. The complaint allegations would further reveal as if on 30.04.2017 A1 went to the parental home of complainant and damaged the household articles, caught hold and took her to the bed room and pressed her face with a pillow with an intention to kill her, but somehow she got rescued herself. The investigation is reported to be pending.

3) Denying the allegations, learned counsel for petitioners seek for bail on the ground that A1 filed divorce O.P.No.232 of 2016 on the file of Family Court, Warangal and as a counter blast the complainant filed the private complaint with all false averments against the petitioners and the same was forwarded to the police for investigation. He would further submit that A2 to A4 are ladies and A3 is the married sister of A1 and they have nothing to do with the family affairs of A1.

4) Learned Addl.P.P. opposed the bail application on the submission that there is a strong case against all the accused and investigation is in infantry stage and only two witnesses are examined so far.

5) A perusal of CD file reveals that a strong *prima facie* case against A1. So far as other accused are concerned, the allegations are in general lines and as rightly submitted by the learned counsel for petitioners, petitioners 2 to 4 are women and 3rd petitioner is a married sister of 1st petitioner/A1 and 6th petitioner is her husband, The complicity of petitioners 2 to 6 is questionable one which has to be decided after full-fledged investigation. As the matter stands, bail can be granted to them. So far as 1st petitioner/A1 is concerned, offence under Section 307 IPC is also attributed against him. Hence, bail is refused to him.

6) Accordingly, petitioners 2 to 6/A2 to A6 are directed to surrender before the VI Additional Judicial First Class Magistrate, Warangal on or before 28.07.2017 and on such surrender they shall be enlarged on bail on each of them executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties each for likesum to the satisfaction of the said Court. On release petitioners are directed to appear before the SHO, Matwada PS, Warangal District on every Sunday between 11.00 AM and 12.00 noon for a period of four (4) months or till charge sheet is filed whichever is earlier. They are further directed to cooperate with the investigating agency for smooth completion of investigation.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 21.07.2017

Note: Issue CC tomorrow.

(bo)
Murthy