

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2005 of 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/A1 on pre-arrest bail since he is apprehending arrest in connection with Crime No.4 of 2017 of Police Station, Thirumalagiri, Suryapet District, registered for the offence punishable under Section 498-A IPC.

It is the case of the de facto complainant, Vinoda Jadav, the wife of present petitioner/A1 that her marriage was performed about 9 years ago and blessed with two children named as Bhavitha and Varshini and at the time of marriage, her parents paid Rs.2 lakhs cash besides presenting 10 tolas of gold ornaments and they lived happily for some time and thereafter, it came to the notice of the de facto complainant that the petitioner married first wife and started blaming the petitioner for not begetting a male child and later demanded Rs.10 lakhs towards additional dowry and her parents paid Rs.10 lakhs as additional dowry and with that money, the petitioner purchased a house at Uppal, Hyderabad and the de facto complainant was put to starvation.

The main contention of the petitioner is that he is an army personnel and did commit no offence and prayed to enlarge him on bail in the event of arrest.

As seen from the allegations made in the complaint, the petitioner/A1 suppressing the earlier marriage, married the de facto complainant Vinoda Jadav and later lived happily for some time, but subjected to harassment and demanded Rs.10 lakhs as additional dowry, accepting the demand, her parents paid Rs.10 lakhs which amounts to an offence punishable under Section 3 of the Dowry Prohibition Act and necking her out from the house along with the children and putting her to starvation amounts to cruelty within the definition of cruelty under

Section 498-A of IPC. Apart from that receiving additional dowry of Rs.10 lakhs and 10 tolas of gold jewellery at the time of marriage would attract the definition of dowry under Section 2 and it is an offence under Section 3 of D.P. Act prima facie. Therefore, I find prima facie material against the petitioner to conclude that the petitioner committed an offence punishable under Section 498-A IPC. Hence, it is a not a fit case to enlarge the petitioner on bail in the event of his arrest.

In the result, the criminal petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

Date:14.03.2017
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M. SATYANARAYANA MURTHY, J



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