

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.1177 OF 2017

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C to enlarge the petitioner/A1 on bail in the event of his arrest in connection with Crime No.500 of 2016 of Rayachoti U/G Police Station, Kadapa District, registered for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The *de facto* complainant-N.Vineela, who married the 1st petitioner lodged complaint, according to the allegations in the complaint that her marriage with the petitioner was performed about three years ago and it was love marriage. The petitioner and his parents started demanding dowry and subjected her to cruelty for her failure to meet the illegal demand for payment of dowry since no amount was paid at the time of marriage as it was love marriage. After some time, they were shifted to Bangalore in connection with employment. Even at Bangalore, the petitioner used to beat her while abusing for failure to bring some cash and gold from her parents' house. When, she telephoned to her mother about the same, her mother brought one Tola gold and Rs.30,000/- besides household articles and handed over those items to the petitioner. The petitioner utilised the said gold and cash for his use and also sold the household articles and spent the amount for vices and again

started demanding additional dowry and necked her out from the house.

The above allegations would go to show that the petitioner subjected the *de facto* complainant to cruelty. But the contention of the learned counsel for the petitioner is that there are no specific allegations against this petitioner and the other accused, who are already enlarged on bail. It is evident from the allegations in the complaint that after three months from the date of marriage subjected her to cruelty and he was shifted to Bangalore in connection with employment and demanded dowry and on that the mother of the *de facto* complainant paid Rs.30,000/- and presented one Tola gold and household articles. Curiously, the petitioner sold away the gold and household articles to meet the expenses for his vices and again started demanding dowry and subjected her to cruelty. Such act would amount to *prima facie* offence punishable under Section 498-A of IPC and Section 4 of the Dowry Prohibition Act. Hence, I find no grounds to enlarge the petitioner on pre-arrest bail.

At this stage, learned counsel for the petitioner requested the Court to direct the investigating agency to issue notice under Section 41-A of Cr.P.C, to follow the guidelines of the Apex Court in **Arnesh Kumar v State of Bihar**¹.

¹ 2014(2) ALT(Crl) 457(SC)

This Court need not issue any such direction as the investigating agency is bound to follow the guidelines of the Apex Court in **Arnesh Kumar's** case (supra), otherwise it would amount to contempt. Therefore, no specific direction need be given as they are bound to follow the guidelines of the Apex Court in **Arnesh Kumar's case (supra)**.

With the above observation, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

15.02.2017
kvrn

M.SATYANARAYANA MURTHY,J

