

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7327 of 2017

ORDER:

1 This criminal petition is filed, by the petitioners-accused Nos.2 and 3, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.113 of 2017 on the file of the Station House Officer, Chandragiri Police Station, Chittoor district registered for the offences punishable under Sections 307, 323 and 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2 The learned counsel for the petitioners submitted that the de-facto complainant falsely implicated the petitioners in order to take vengeance against them. He further submitted that the victim did not receive any injuries.

3 *Per contra*, the learned Additional Public Prosecutor submitted the allegations made in the compliant ex facie constitute the offences alleged to have been committed by the petitioners.

4 A perusal of the record reveals that the marriage of the accused No.1 was performed with one Swathi on 15.11.2013 as per Hindu rites and caste custom. Out of their wedlock, the accused No.1 and Swathi were blessed with a boy. It is the case of the prosecution that the petitioners along with accused No.1 subjected Swathi to cruelty for additional dowry. A perusal of the record reveals that on 09.06.2017 a mediation took place in the presence of the elders of the village in order to resolve the dispute. At that time, the petitioners and the accused No.1 forcibly took Swathi to

upstairs and made an attempt to kill her by throttling with a chunni around her neck.

5 The petitioners filed CrI.M.P.No.1919 of 2017 on the file of the Court of the X Additional District & Sessions Judge, Tirupati under Section 438 Cr.P.C. and the same was dismissed on 09.08.2017.

6 A perusal of the record reveals that on the same day at about 7.30 PM Swathi was admitted in SVRRG Hospital, Tirupati. The duty doctor, after examination of the victim, issued the wound certificate. A perusal of the wound certificate reveals presence of one ligature mark with congestion extending to anterior part of the neck with abrasion of 6 x 2 cm on left side of neck of Swathi.

7 A perusal of the record prima facie reveals the role played by the petitioners in commission of the offence. Taking into consideration the nature of the offences alleged to have been committed by the petitioners, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioners.

8 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 6th September, 2017
Kvsn