

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2666 of 2017

ORDER:

A request is made for grant of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973, by the petitioners herein, who are arraigned as Accused Nos.1 and 2 in Cr.No.197 of 2017 on the file of the Police Station, Uppal, Rachakonda District, registered for the offences punishable under Sections 498-A IPC and also Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Heard Sri Sk.Rizwan Ali, learned counsel for the petitioners and learned Additional Public Prosecutor for the State of Telangana.

Learned counsel for the petitioners would submit that the allegations leveled by the de-facto complainant against the petitioners as to their harassing the de-facto complainant are incorrect and in fact on the ground that the first petitioner married the second petitioner, the de-facto complainant falsely leveled the allegations and filed the complaint, that too with delay of more than a month, as the complaint was lodged on 23.02.2017, whereas the occurrence was on 19.01.2017 according to the de-facto complainant.

Learned Additional Public Prosecutor would resist the request on the ground that no anticipatory bail can be granted as such grounds not exist to accede to such a relief and the very fact that petitioner contracted second marriage and the second petitioner is the second wife of the first petitioner, even at this stage, lends assurance to the allegations in the complaint.

The short point in this petition is whether petitioners are entitled for anticipatory bail as requested.

Perused the complaint averments. Allegations are clear that, initially first petitioner demanded the de-facto complainant to get Rs.2 lakhs from her parents to purchase auto and, later even after birth of two children, he developed extramarital relations with the second petitioner and married her later. In the mediation, he stated that he would treat the de-facto complainant well, but continued the harassment which went unabated. The acts constituting cruelty have been specifically mentioned in the complaint. Certainly, it is not a case where anticipatory bail can be granted to the petitioners as none of the exceptional grounds as enumerated are to be found.

Hence, the criminal petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

A. SHANKAR NARAYANA, J

July 3, 2017
MRR

