

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.843 OF 2017

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") for grant of anticipatory bail to the petitioner/accused No.1, in the event of his arrest in Crime Nos.197 of 2016 of Women Police Station, Begumpet, Hyderabad, registered for the offences punishable under Sections 498-A and 506 of Indian Penal Code (for short "I.P.C.") and Sections 4 and 6 of the Dowry Prohibition Act (for short "D.P.Act").

Defacto complainant lodged a complaint dated 10.11.2016 with the police making a serious allegation that her marriage with the petitioner was performed on 26.05.2013 at Tivoli Garden, Secunderabad in the presence of elders and at the time of marriage an amount of Rs.3,00,000/- was paid as dowry besides presentation of 12 tulas of gold and household articles as the petitioner is working in Cognizant office by that time. After the marriage, they lived happily for one month. Thereafter, the petitioner started beating the defacto complainant. On the occasion of Bonalu festival, defacto complainant went to her parents' house and stayed there for one day, but for such stay for one day, the petitioner beat her and on account of such beating, her ear studs were broken. Petitioner caused injury on the head of the defacto complainant while demanding dowry and thereby subjected her to cruelty.

Sri G.Eswaraiah, learned counsel for the petitioner contended that the petitioner is no way concerned with the alleged

offence and that he is working in Cognizant office, in case he is arrested in connection with the above crime and sent to judicial custody, he would loose his job.

As seen from the material on record, there is *prima facie* evidence to conclude that the petitioner committed the offence. Unless it is *prima facie* concluded that the petitioner did commit no offence punishable under Sections 498-A and 506 of I.P.C. and also there is no possibility to interfere with further investigation in the event of his release on pre-arrest bail, this Court cannot grant pre-arrest bail, as it is a condition precedent for grant of such bail.

The allegations made in the complaint would show that the petitioner subjected the defacto complainant to cruelty, which would attract the offence punishable under Section 498-A of I.P.C. Therefore, I find no ground to grant pre-arrest bail to the petitioner.

However, Sri G.Eswaraiah, learned counsel for the petitioner, requested to direct the police to follow the procedure under Section 41-A of Cr.P.C. and guidelines formulated by the Apex Court in **“Arnesh Kumar v. State of Bihar¹”**

This Court need not issue any direction to police to follow the guidelines formulated by the Apex Court in the said judgment since the Apex Court made it clear that violation in following the guidelines issued by the Apex Court and various High Courts from time to time would amount to contempt of Court. Therefore, the Station House Officer, Women Police Station, Begumpet is bound to adhere to the directions issued by the Apex Court in **“Arnesh**

¹ (2014) 8 SCC 273

Kumar v. State of Bihar” (referred supra). Consequently, it is unnecessary to issue direction to the police as the Station House Officer, Women Police Station, Begumpet is conscious about the guidelines issued by the Apex Court in the said judgment.

With the above observations, the petition is dismissed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

07.02.2017
Ksp



JUSTICE M. SATYANARAYANA MURTHY