

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2934 OF 2017

ORDER:

This criminal petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/A.1 seeking a direction to the Station House Officer, Women Police Station, Warangal Urban, Warangal District, to enlarge him on bail in the event of his arrest in Crime No.68 of 2015 registered for the offences punishable under Sections 498-A, 506 of the Indian Penal Code, 1860 (for short 'I.P.C.') and Section 3 of the Dowry Prohibition Act, 1961 (for short 'the Act, 1961'), apprehending his arrest.

The *de facto* complainant is the wife of the petitioner, whose marriage was performed on 20.03.2014 and at the time of marriage her parents presented gold ornaments worth Rs.3,50,000/-, silver articles weighing 750 grams and paid an amount of Rs.30,000/- towards marriage expenses, as per the demand of the parents of the petitioner. After marriage, she was taken to her in-laws house, there she stayed for a period of one week, thereafter the petitioner sent the *de facto* complainant to her parents house and left to South Africa. He used to talk to her freely for 15 days. But when she went to her in-laws house on the occasion of festivals, the parents and sister of the complainant demanded to work her as servant maid at their house by cooking food and attending daily work and subjected her to cruelty for her failure to meet the illegal demand for payment of dowry, later the matter was placed before the elders, but no purpose was served. Basing on the above complaint, the police registered the crime and issued F.I.R.

The case of the petitioner is that he is staying at south Africa on employment and he will come down to Warangal in case any anticipatory bail is granted to him and that there are no allegations much less specific overt acts attributed against the petitioner to attract the offences punishable under Sections 498-A and 506 of I.P.C. and Section 3 of the Act, 1961.

The Public Prosecutor for the State of Telangana would contend that the petitioner is still working at South Africa, but falsely shown his address at Bhattupalli Village, Hanmakonda, Warangal Urban, and that too the petitioner did not approach the Sessions Court and straight away approached this court, in such case, this court cannot exercise discretion to grant pre-arrest bail and prayed to dismiss the petition.

Admittedly the petitioner is working at South Africa, but his address was shown as resident of Bhattupalli Village, Hanmakonda, Warangal Urban, and the crime was registered with the Women Police Station, Warangal Urban. Thus, the petitioner did not disclose his address. Though the investigating agency completed the investigation, the petitioner is not arrested as he is working at South Africa. The allegation that he along with his parents received gold and silver articles etc. at the time of her marriage as per their demand would fall within the definition of the word 'Dowry' as defined under Section 2 of the Act, 1961 and it is an offence punishable under Section 3 of the Act, 1961. Therefore the allegations made in the complaint are sufficient to constitute the offence punishable under Section 3 of the Act, 1961, however, the alleged subjecting her to cruelty by the petitioner is doubtful, apart from that the petitioner successfully avoided his arrest

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by the investigating agency and did not co-operate with the investigating agency to complete investigation. In such case he is disentitled to claim pre-arrest bail because of his successful avoidance of arrest by staying away to this country. Hence, I find no ground to exercise discretion to grant pre-arrest bail to the petitioner.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

17.04.2017
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