

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.17362 OF 2016

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.154 of 2016 of III Town Police Station, Kakinada, registered for the offences punishable under Sections 341, 354, 323 and 506 of IPC.

The petitioner is the legally wedded husband of the *de facto* complainant-Naduri Nagamani, who developed acquaintance with him while preparing competitive exams, as the petitioner was introduced at Central Library, Kakinada that he is preparing for IAS and he was already selected IPS and induced her, believing the same got married on 08.08.2013 at Annavaram Temple. Later when she came to know the real colour of the petitioner, lodged a complaint, which is registered as Crime No.125 of 2013. After investigation, the police filed final report and the same was registered as C.C.No.250 of 2014 before the IV Additional Judicial Magistrate of First Class and after full fledged trial, he found guilty. However, he preferred an appeal against the said conviction and sentence. As the respondent played fraud and married, she filed O.P.No.5 of 2014 to declare their marriage as void and to dissolve the same. After thorough enquiry, the O.P. was allowed and their marriage was dissolved. Aggrieved

by the said order, the petitioner approached the High Court and obtained an order of stay of all further proceedings.

Due to fear of the petitioner/accused, the *de facto* complainant is residing at far of place while working in a bank. When she came to Kakinada on 08.10.2016 on the occasion of 'Attalataddi' festival, by that time, the petitioner also came there to attend the Court in an appeal. At about 05.00 PM the petitioner came to her house while she was going to neighbours house, caught hold of her tuft and dragged on the road, abusing her in un-parliamentary language and when her father resisted him by raising cries, the petitioner beat her father also. On hearing cries, neighbours came there and on seeing them the petitioner left the place by threatening that he will kill her.

It is a peculiar case, where the husband of the *de facto* complainant outraged her modesty after dissolving of the marriage and during pendency of the revision before this Court and also due to civil and criminal litigations pending before various Courts. But it is the contention of the learned counsel for the petitioner that 08.10.2016 is a Holiday for the Court, but conceded that it is not a holiday and appeal was adjourned to that day. However, it is not a ground to come to a *prima facie* conclusion that the petitioner has not committed any such offence. He also further contended that due to dissolution of the marriage, the *de facto* complainant foisted a

false case. No doubt both civil and criminal proceedings are pending before various Courts and the motive attributed to the petitioner may be either to foist a false case or to commit such an offence by him. Therefore, the motive is a double edged weapon, which should be considered only after full-fledged trial. Therefore, on this ground alone, it is difficult for this Court to grant pre-arrest bail. The petitioner was already convicted by the Court in one case and obtained stay order and as such there is every possibility of committing such an offence. Therefore, I find that it is not a fit case to grant pre-arrest bail to the petitioner.

Accordingly, the criminal petition is dismissed.

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

M.SATYANARAYANA MURTHY,J

21.03.2017
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