

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4138 of 2017

ORDER:

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.29 of 2017 on the file of the Station House Officer, Kuderu Police Station, Anantapur District, registered for the offences punishable under Sections 498(A) of IPC and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The learned counsel for the petitioners strenuously submitted that the *de facto* complainant falsely implicated the petitioners in this case for the reasons best known to her. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners; therefore, it is a fit case to grant anticipatory bail to the petitioners. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners; hence, the petition is liable to be dismissed.

3. A perusal of the record reveals that the petitioners-accused Nos.2 and 3 are the parents of accused No.1. The marriage of accused No.1 was performed with the *de facto* complainant on 20.1.2017 at Tirumala Tirupathi Devasthanams as per Hindu rites and caste customs. The marriage of the *de facto* complainant was again performed with accused No.1 on 25.1.2017 in Anjaneya

Swamy Temple, Dharmavaram, as per Hindu rites and caste customs. Immediately after the marriage, the *de facto* complainant joined with accused No.1 to lead marital life. As per the allegations made in the complaint, the petitioners did not provide phone to the *de facto* complainant to talk to her parents and the petitioners insulted the *de facto* complainant by abusing in the name of her caste.

4. The record *prima facie* reveals that that accused No.1, who is the son of the petitioners-accused Nos.2 and 3, married the *de facto* complainant, who does not belong to their caste, against the will and wish of the petitioners. In such circumstances, the possibility of ill-feelings between the petitioners and the *de facto* complainant cannot be ruled out completely. It is not uncommon to rope the other family members of the husband in criminal cases more particularly the cases registered under Section 498(A) of IPC.

5. Taking into consideration the nature of the allegations made against the petitioners, I am of the considered view that it is a fit case to grant anticipatory bail to the petitioners.

6. In the result, the criminal petition is allowed, directing the Station House Officer, Kuderu Police Station, to release the petitioners-accused Nos.2 and 3 on bail, in the event of their arrest in connection with Crime No.29 of 2017, on each of them executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to his satisfaction. Further, the petitioners are directed to comply the following conditions:

- (1) They shall make themselves available for interrogation by Police as and when required;
- (2) They shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police Officer; and
- (3) They shall not leave India without the previous permission of the concerned Court.

T.SUNIL CHOWDARY, J

July 31, 2017
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