

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7387 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.1, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.276 of 2016 on the file of Station House Officer, Eluru Town Police Station, West Godavari District, registered for the offences punishable under Sections 354-A, 354-D, 342 and 506 read with 34 IPC.

2. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case due to family disputes. He further submitted that even if the allegations made in the compliant are *ex facie* are taken to be true and correct, no *prima facie* case is made out against the petitioner. ***Per contra***, learned Additional Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner.

3. It is the case of the prosecution that the petitioner herein along with accused No.2 used to send messages to the *de facto* complainant. It is further case of the prosecution that the petitioner herein harassed the *de facto* complainant taking advantage of mental ability of her husband.

4. The petitioner filed CrI.M.P.No.203 of 2017 on the file of VII Additional Sessions Judge, West Godavari Division at Eluru under Section 438 Cr.P.C., and the same was dismissed on 27.04.2017. The petitioner filed CrI.P.No.3868 of 2017 on the file of this Court and the same was dismissed as withdrawn, dated 10.07.2017.

5. A perusal of the record *prima facie* reveals that the petitioner and accused No.2 are sending obscene messages to the *de facto* complainant.

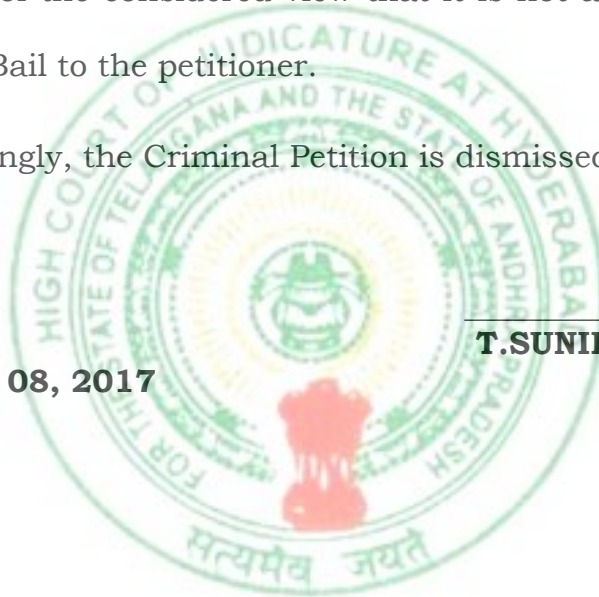
6. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence. Learned Additional Public Prosecutor submitted that the investigation is in progress.

7. Taking into consideration the gravity of the offences alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant Anticipatory Bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

SEPTEMBER 08, 2017
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T.SUNIL CHOWDARY, J



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Date:08.09.2017

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