

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9439 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A1 for the offences alleged under Sections 326 and 498-A r/w 34 IPC and 3, 4 and of Dowry Prohibition Act.

2. Heard the learned counsel for the petitioner, learned Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that there is a discrepancy in the medical certificate given by the doctor concerned and the statement made by the de facto complainant in this case. The de facto complainant is none other than the wife of the petitioner-A1. There is no dowry demand and there is no mental cruelty. The whole case is fabricated against this petitioner and others. There were mediations in respect of subject matrimonial dispute and ultimately prayed to grant bail to the petitioner under Section 438 Cr.P.C.

4. Learned Public Prosecutor opposed for grant of bail to the petitioner.

5. It is apt to state that the petitioner-A1 and other accused 2 to 7 filed bail application in CrI.M.P.No.1032 of 2017 before the II Addl. Sessions Judge, West Godavari, Eluru, under Section 438 Cr.P.C. for grant of bail. The Sessions Judge granted anticipatory bail to the other accused except to this petitioner, assigning number of reasons and also stating that investigation is in progress. There is a specific allegation of dowry harassment and

causing mental and physical torture to the de facto complainant on many occasions by the petitioner. The discrepancy in the medical certificate would be decided basing on the evidence after due trial. In view of number of allegations made against the petitioner, it is not a fit case to grant bail to the petitioner under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 31-10-2017

Hsd

