

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1353 OF 2017

ORDER:

This criminal petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to grant pre-arrest bail to the petitioner/A.1 apprehending his arrest in connection with crime No.7 of 2017 of Therlam Police Station, Vizianagaram District, registered for the offence punishable under Section 498-A of the Indian Penal Code, 1860 (for short 'I.P.C.').

The case of the prosecution, in brief, is that *de facto* complainant – Boddu Ramalaxmi, wife of the petitioner, lodged a complaint alleging that seven years ago, her marriage was performed with the petitioner and they were blessed with a female child. From one month after giving birth to the child, the petitioner and others started subjecting her to harassment and on one occasion he made an attempt to stab her with knife. On hearing the cries, the neighbours came and snatched away the knife from the hands of the petitioner and rescued the *de facto* complainant. On the strength of such complaint the police registered the crime against the petitioner and others and issued FIR.

It is the contention of the learned counsel for the petitioner that the petitioner was blessed with a female child, now she is two years old, in case the petitioner was arrested and sent to judicial remand the child will be put to much inconvenience therefore, sought for pre-arrest bail to the petitioner.

The public Prosecutor opposed the criminal petition.

As seen from the allegations made in the complaint, the petitioner subjected the *de facto* complainant – Ramalaxmi to both physically and mental cruelty and that apart made a vain attempt to stab her to death, when she raised hue and cries to attract the attention of the neighbours, they came to the place of incident and snatched away the knife from the hands of the petitioner. Such an act would fall within the definition of Section 498-A I.P.C. Therefore, I find *prima-facie* material against the petitioner to conclude that he committed an offence punishable under Section 498-A I.P.C. and hence it is not a fit case to grant pre-arrest bail to the petitioner and there is every possibility of interfering with further investigation. If really the child will be put to inconvenience, the *de facto* complainant, will take care of her child. To take care of the child, the petitioner cannot be granted pre-arrest bail. consequently, the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M. SATYANARAYANA MURTHY, J

20.02.2017
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