

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.2286 OF 2017

ORDER:

This criminal petition is filed by the petitioner/A1 under Section 438 of Cr.P.C to grant pre-arrest bail in Crime No.228 of 2016 of Hindupur I Town Police Station, Ananthapur District, registered for the offences punishable under Sections 420, 384, 313, 450, 307 and 498-A read with Section 34 of IPC and 354-B of IPC, apprehending his arrest in the above crime.

The *de facto* complainant is a police constable. According to her, she fell in love with the petitioner, who belongs to Kuraba Community while she was studying degree in Saptagiri College and they married together i.e. inter-religion marriage and even before her marriage she had physical contact with the petitioner and conceived. But A5 and his wife, A6 allegedly directed her to abort the pregnancy as she became pregnant prior to marriage and they promised her to perform their marriage. Accordingly, she got aborted and thereafter, the petitioner was selected as VRO and applied for long leave, under went coaching at Hyderabad for selection of S.I. and that the petitioner promised to marry her after getting appointment as S.I. As he refused to marry her, the *de facto* complainant made a complaint to the D.S.P. Mehboob Basha of Ananthapur Mahila Police Station, in the presence of DSP Mehboob Basha and others performed their marriage as per Hindu rites and thereafter, he neglected to lead marital life

with her as several persons offering huge amount as dowry. When she complained the same to A4 to A6 and others, they took her inside the house and beat, caught hold of her hair, caused bleeding injuries with chair and tried to murder her. Thereafter, she complained the same to the police.

The above incident of beating etc. took place on 14.01.2016 at 11.00 AM and she lodged complaint on 26.12.2016 making serious allegations against the accused. The *de facto* complainant maintained silence for a period of one year without giving any complaint, but lodged complaint after lapse of one year.

It is the case of the petitioner that he has not committed any offence and that he is not responsible for any of the offences.

Even if the allegations made in the complaint taken as it is, they will attract Section 324 of IPC subject to proof of the injuries sustained by the *de facto* complainant are grievous in nature. Whereas the offence committed by A1 would attract an offence punishable under Section 493 of IPC. The petitioner/A1 earlier filed CrI.M.P.No.1272 of 2016 before the II Additional Sessions Judge, Hindupur, which was ended in dismissal in detailed order. Subsequent to the dismissal of the earlier bail application, there were no major changed circumstances to enable this Court to grant pre-arrest bail to the petitioner. In the absence of any major changed

circumstances, this Court cannot grant pre-arrest bail in view of the law laid down by the Apex Court in **State of Tamil Nadu v S.A.Raja**¹. Therefore, I find that it is not a fit case to enlarge the petitioner on pre-arrest bail at this stage.

Accordingly, the criminal petition is dismissed.

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

30.03.2017
kvrn

M.SATYANARAYANA MURTHY,J



¹ 2006(2) SCC (CrI) 58