

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE FIFTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRL.P .No. 10628 of 2017

Between:

- 1 Sameena Begum, W/o. Israr Ahmed,
29 years, Occ: Household, R/o. H.No.2-7-594, Godamgadda,
Karimnagar District (A-6)
- 2 Israr Ahmed, S/o. Moin Mohammed,
36 years, Occ: Business,
R/o. H.No.2-7-594, Godamgadda, Karimnagar District. (A-7)

..... Petitioners/
Accused Nos.6 & 7

AND

The State of Telangana, rep. by Public Prosecutor, High Court of Judicature at
Hyderabad through P.S. Karimnagar II Town, Karimnagar District.

.....Respondent/Complainant

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to enlarge the petitioners on bail in the event of their arrest in Crime No.19 of 2017 of P.S. Karimnagar II Town, Karimnagar District, on such terms and conditions.

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri M. Ram Mohan Reddy, Advocate for the petitioners and of the learned Additional Public Prosecutor (TG) for the respondent-State, the Court made the following

ORDER:

“Heard learned counsel for the petitioners/A.6 and A.7 and learned Additional Public Prosecutor for the respondent State, and perused the record.

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners/A.6 and A.7 in Crime No.19 of 2017 of Karimnagar II Town Police Station, Karimnagar District, for the offences punishable under Sections 307, 354-B, 498-A, 420, 506 and 500 IPC read with Section 34 IPC.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.6 and A.7 stating that as per the orders passed by this Court in Crl.P.No.3207 of 2017 on 01.06.2017, earlier bail application of the petitioners/A.6 and A.7 was dismissed. He contended that all the issues raised in this Criminal Petition were elaborately dealt with in that Criminal Petition. There are no changed circumstances to allow this Criminal Petition.

Learned counsel for the petitioners/A.6 and A.7 would submit that earlier bail application was filed at the stage of crime and now charge sheet is filed. The accusation against the petitioners/A.6 and A.7 is only that they have harassed the de facto complainant, who is the wife of A.1.

As per the prosecution case, the petitioners/A.6 to A.7 alleged to have demanded the de facto complainant to get additional dowry and other articles. It is brought to the notice of this Court that there is a specific mention against the petitioner/A.6, who is the sister of A.1, that she used to harass the de facto complainant stating that the de facto complainant is a blackish woman and has no qualities to enter the house and has to get additional dowry. It is contended that the de facto complainant was already divorced by A.1 on 27.12.2016. Thereafter, a complaint was filed before the Judicial First Class Magistrate on 18.01.2017. Then, on reference under Section 156(3) Cr.P.C., this crime is registered by the police concerned and investigated. Admittedly, the second bail application is maintainable, in the changed circumstances, the aggrieved person can file an application as per the decision rendered by the Larger Bench of Clacutta High Court in Sudip Sen v. The State of W.B.¹ In the charge sheet, specific allegations against the petitioners/A.6 and A.7 are brought on record as enunciated above. Having regard to the nature of allegations and in view of relation of the petitioners/A.6 and A.7 with the de facto complainant, the petitioners/A.6 and A.7 can be enlarged on bail under Section 438 Cr.P.C.

In the result, the Criminal Petition is allowed, directing the petitioners/A.6 and A.7 to surrender before the Additional Judicial Magistrate of First Class, Karimnagar, within 15 days from the date of this order. On such surrender, the learned Magistrate shall enlarge the petitioners/A.6 and A.7 on bail on each of them executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to his satisfaction.”

//TRUE COPY//

ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

- 1 The Additional Judicial Magistrate of First Class, Karimnagar.
- 2 The Station House Officer, P.S. Karimnagar II Town, Karimnagar District.
- 3 One CC to Sri M. Ram Mohan Reddy, Advocate (OPUC)
- 4 Two CCs to Public Prosecutor (TG), High Court of Judicature at Hyderabad.
(OUT)
- 5 One spare copy.

¹ 2010 CRIL.L.J. 4629

HIGH COURT

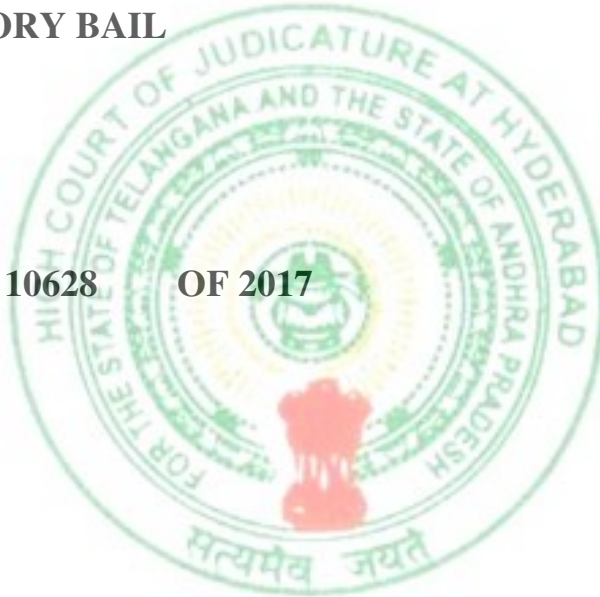
DR.SA,J

DATE: 15-11-2017

**ANTICIPATORY BAIL
ORDER**

CRL.P. NO. 10628 OF 2017

DIRECTION



HIGH COURT

Nnr

Date of Drafting: 16-11-2017

DR.SA,J

DATE: 15-11-2017

**ANTICIPATORY BAIL
ORDER**

CRL.P. NO. 10628 OF 2017

DIRECTION

