

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11034 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1, for grant of anticipatory bail in the event of his arrest in Crime No.231 of 2017 on the file of the Tangutur Police Station, Prakasam District, registered for the offences punishable under Sections 498-A, 506 of I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard the learned counsel for the petitioner/accused No.1, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.1 would submit that the other accused in this crime were already granted bail by the Court of Sessions. The petitioner/accused No.1 has filed O.P.No.83 of 2017 on the file of the Additional Senior Civil Judge, Ongole, for Restitution of Conjugal Rights. The de-facto complainant, who is his wife, left his house on her own. The allegations made in the report lodged with the police by the de-facto complainant are all false and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the bail application stating that there is ample material on record to believe the version of prosecution and that the petitioner/accused No.1 is not entitled for bail.

5. The allegations in the report lodged by the de-facto complainant would reveal that the petitioner/accused No.1 and his family members demanded an amount of Rs.5,00,000/- as additional dowry. There are also specific and grave allegations against the petitioner/accused No.1 subjecting the de-facto complainant to physical and mental cruelty. There is also allegation that the petitioner/accused No.1 had developed illegal intimacy with another woman and when the de-facto complainant questioned him about the same, the petitioner/accused No.1 harassed her and left her at her parents' house and was not taken back. Even when the de-facto complainant and the petitioner/accused No.1 went to Chennai, the petitioner/accused No.1 did not cooperate with her and forced her to go away from his house. There are other allegations against the petitioner/accused No.1 constituting the offences punishable under Sections 498-A, 506 of I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act. There is every possibility of the petitioner/accused hindering the investigation and causing disappearance of the material evidence, if he is granted bail. Filing of the O.P. for Restitution of Conjugal Rights is not a ground to allow this application. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

20th November, 2017
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