

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11417 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 323, 324, 354, 498-A and 506 r/w 34 IPC.

2. Heard learned counsel for the petitioner-A1, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A1 would submit that the de facto complainant, who is the wife of the petitioner-A1 made a false complaint stating that on 13.10.2017, the petitioner-A1 went to the house, abused her, harassed her mentally and physically and pulled the saree of the mother of the de facto complainant at 7.00 P.M., on that day. As a matter of fact, the petitioner-A1 is working as a Police Constable in 2nd Platoon and he was very much present at Bhakarapet, Y.S.R. Kadapa District. The place of alleged offence is Palugurallapalle village, which is 100 K.Ms away from his place of work. The petitioner-A1 did not go to the place of the alleged offence. He was not present on the date of the alleged incident either in his in-laws house or at Palugurallapalle village. The case is fabricated and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor would submit that there is specific evidence of the eye witnesses that the petitioner-A1 going to the house of the parents of the de facto complainant at 7.00 P.M., on

13.10.2017 and committing offence as mentioned in the F.I.R. The petitioner-A1 also pulled the saree of his mother-in-law. The allegations constitute the offences for the above provisions.

5. The contention of the learned counsel for the petitioner-A1 is that the petitioner-A1 was not present at Palugurallapalle village on the date and time of the alleged offence.

6. As per the material placed on record, on 13.10.2017 at 7.00 P.M., the petitioner-A1 went to his in-laws house situated at Palugurallapalle village, created nuisance, abused the de facto complainant and also pulled the saree of the mother of the de facto complainant. There are also other allegations, which constitute the dowry harassment. Eye witnesses have supported the averments of F.I.R. Merely because, there is a record showing the presence of the petitioner-A1 at Police Parade on 13.10.2017 doing parade, that would not falsify the case of the prosecution. The allegations are grave. The release of the petitioner-A1 under Section 438 Cr.P.C. would hamper investigation.

7. In view of the nature of allegations levelled against the petitioner-A1, it is not a fit case to grant bail to the petitioner-A1 under Section 438 Cr.P.C.

8. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 28-11-2017

Hsd