

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

FRIDAY, THE SEVENTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN
: PRESENT:

THE HON'BLE DR JUSTICE **SHAMEEM AKTHER**

CRIMINAL PETITION No. 10707 of 2017

Between:

1. Kondla Narasimha Rao, S/o. Kondla Kondaiah
2. Kondla Venkata Ratnam, W/o. Kondla Narasimha Rao
3. Kondla Madhava Rao, S/o. Kondla Narasimha Rao
4. D.Venkateswara Rao, S/o. Venkateshwarlu

Petitioners
(Accused 2 to 5 in Cr.No.280/2014
of Arundalpet P.S., Guntur District)

AND

The State of Andhra Pradesh, through P.S. Arundalpet, Guntur, rep. by Public
Prosecutor.

Respondent/Complainant

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to enlarge petitioners/Accused 2 to 5 in Cr.No. 280/2017 on the file of P.S. Arundalpet, Guntur District, in the interest of justice.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri Ashok Goud Ponnamm, Advocate for the Petitioners and of the Addl. Public Prosecutor (AP) for the Respondent, the Court made the following

ORDER:

“ This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.2 to 5, for grant of anticipatory bail in the event of their arrest in Crime No.280 of 2017 on the file of the Arundalpet Police Station, Guntur (Urban) District, registered for the offences punishable under Sections 498-A, 420, 406, 307 read with Section 34 of I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

Heard the learned counsel for the petitioners/accused Nos.2 to 5, learned Additional Public Prosecutor representing the respondent-State and perused the record.

The learned counsel for the petitioners/accused Nos.2 to 5 would submit that the petitioners/accused Nos.2 to 5 have earlier filed Criminal Petition No.8504 of 2017 and the said Criminal Petition was disposed of by this Court on 18.09.2017, wherein, it was directed to constitute a Committee as per the decision rendered in Rajesh Sharma Vs. State of U.P. 2017 (2) ALT (CrI) 393 (SC), and submit a report within 30 days and till then, the petitioners/accused Nos.2 to 5 shall not be arrested. As per the said order, one month period to submit the report of the Committee has expired long back. There is apprehension of arrest of the petitioners/accused Nos.2 to 5 in this case. All the allegations levelled against the petitioners/accused Nos.2 to 5 are false and fabricated for the purpose of this case. No injury was found on the body of the de-facto complainant as per the report lodged by the police. The entire prosecution case is false and ultimately prayed to allow the application.

On the other hand, the learned Additional Public Prosecutor would submit that already this subject matter was dealt by this Court in the aforementioned Criminal Petition. This Criminal Petition is not maintainable. There are specific and grave allegations against the petitioners/accused Nos.2 to 5. There was also an attempt to cause the death of the de-facto complainant. Under these circumstances, the petitioners/ accused Nos.2 to 5 are not entitled for anticipatory bail.

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As per the order, dated 18.09.2017, passed by this Court in Criminal Petition No.8504 of 2017, the duration of 30 days to submit the report is over. The submissions made by the learned counsel for the petitioners/accused Nos.2 to 5 with regard to the apprehension of arrest of petitioners/accused Nos.2 to 5 cannot be brushed aside. There is threat of arrest of petitioners/accused Nos.2 to 5 in this crime. As far as the allegations levelled against the petitioners/accused Nos.2 to 5 are concerned, there are specific allegations against these petitioners demanding dowry and beating the de-facto complainant, who is the wife of the accused No.1. The petitioner/accused No.2 is the father-in-law of the de-facto complainant. The petitioner/accused No.3 is the mother-in-law of the de-facto complainant. The petitioner/accused No.4 is the brother-in-law of the de-facto complainant. The petitioner/accused No.5 is a distant relative of the de-facto complainant through accused No.1. Though there is a specific allegation of an attempt to do away with the life of the de-facto complainant, no injury was found on the body of the de-facto complainant. No medical report is placed before this Court. As per the prosecution case, the incident is alleged to have taken place on 10.08.2017 and a report is lodged in this case on 22.08.2017. It is also evident from the record that the marriage between the accused No.1 and the de-facto complainant took place in the year 2006 and they lived in USA till 15.07.2017. There are specific and grave allegations against the accused No.1 with regard to the ill treatment and developing intimacy with other women. What is stated in the reported lodged by the police on 22.08.2017 cannot be taken as true. The matter requires to be decided after due trial. Though there are grave allegations with regard to the attempt to do away with the life of the de-facto complainant, there is no medical record to substantiate the same. Under these circumstances, this Court is inclined to grant bail to the petitioners/accused Nos.2 to 5 under Section 438 of Cr.P.C. on some conditions.

Accordingly, the petitioners/accused Nos.2 to 5 are directed to surrender before the Station House Officer, Arundalpet Police Station, Guntur (Urban) District, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Arundalpet Police Station, Guntur (Urban) District, shall release the petitioners/accused Nos.2 to 5 on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties in a like sum each to his satisfaction. After being released on bail, the petitioners/accused Nos.2 to 5 shall report before the Station House Officer, Arundalpet Police Station, Guntur (Urban) District, on every Sunday between 10:00 AM and 11:00 AM, till filing of the charge-sheet. The petitioners/accused Nos.2 to 5 shall also abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigation officer in the investigation of the case.

The Criminal Petition is, accordingly, allowed.

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

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The SHO, Arundalpet Police Station, Guntur District.
2. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
3. One CC to Sri Ashok Goud Ponnamm, Advocate(OPUC)
4. One spare copy.

SAH

HIGH COURT

Dr.SAJ

DATED: 17-11-2017

ORDER

CRL.P.NO. 10707 OF 2017



ANTICIPATORY BAIL

**DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 18-11-2017**

HIGH COURT

Dr.SAJ



DATED: 17-11-2017

ORDER

CRL.P.NO. 10707 OF 2017

ANTICIPATORY BAIL