

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

TUESDAY, THE FIFTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

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

CRL.P .No. 11690 of 2017

Between:

Darivemula Alok Selvin S/o Rajendra Prasad

..... Petitioner/Accused No.2

AND

The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of
Judicature at Hyderabad for the State of Telangana and the State of A.P.

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 direct the Station House Officer, Nandyal III Town Police Station, Kurnool District to release the petitioner/A-2 on bail in the event of his arrest in connection with in Crime No. 214 of 2017 of Nandyal III Town Police Station, Kurnool District

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri D. Issac Prabhakar, for the petitioner and of learned Public Prosecutor (TG) for the respondent-State, the Court made the following

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.2, for grant of anticipatory bail in the event of his arrest in connection with Crime No.214 of 2017 on the file of Nandyal III Town Police Station, Kurnool District, registered for the offences punishable under Sections 498A and 307 read with 34 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

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

3. The learned counsel for the petitioner/accused No.2 would submit that the petitioner is an innocent person and is falsely implicated in this case. He is a software engineer, now working in Hyderabad. Petitioner has nothing to do with the alleged offences. The *de facto* complainant i.e., wife of accused No.1 is suffering from depression. The alleged incident took place in the year 2016 and the report was lodged with the police in October, 2017. The husband of the *de facto* complainant i.e., accused No.1 got admitted the *de facto* complainant in Apollo Hospital, Hyderabad, and incurred all the medical expenses running to the tune of lakhs of rupees. The petitioner/accused No.2 has nothing to do with the matrimonial affairs of the *de facto* complainant and accused No.1 and ultimately, prayed to allow the application.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.2 and contended that accused No.1 administered one drug by name 'Steeven Janson' to the *de facto* complainant at the instance of the petitioner/accused No.2, which resulted in several injuries all over the body of the *de facto* complainant. Therefore, it is not a fit case to allow the application and ultimately, prayed to dismiss the same.

5. As per the material placed on record, the *de facto* complainant is the wife of accused No.1. The petitioner/accused No.2 is the younger brother of accused No.1. The petitioner/accused No.2 is a

software engineer completed his M.S. from the University of East London during the year 2007 – 2011. Thereafter, he returned to Hyderabad and working in an M.N.C. company situated at Madhapur, Hyderabad. The petitioner has permanent residence in Hyderabad. As per the contentions submitted on behalf of the petitioner, the *de facto* complainant met with an accident, thereafter she has been treated for the injuries and then undergone depression. There is also a submission that the husband of *de facto* complainant i.e., accused No.1 met all the medical expenses, including the treatment taken by the *de facto* complainant in Apollo Hospital, Hyderabad. The allegation is that accused No.1 used to get medicines and administer to the *de facto* complainant in order to get rid of her at the instance of petitioner/A2. There is no direct material to establish that whether there is any deliberate or intentional act on the part of the petitioner/accused No.2 to procure medicines and get administered to the *de facto* complainant through accused No.1. The motive on the part of the petitioner/accused No.2 is also yet to be established. Moreover, there is more than one year delay in lodging the report with the police. The petitioner/accused No.2 has permanent residence at Hyderabad. There is no possibility of his fleeing from India and meddling with investigation.

6. Having regard to the submissions made by both the learned counsel and the material on record, the petitioner/accused No.2 can be enlarged on bail under Section 438 Cr.P.C.

7. In the result, the petitioner/accused No.2 is directed to surrender before the Station House Officer, Nandyal III Town Police Station, Kurnool District, within a period of fifteen days from the

date of this order. On such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. On release, the petitioner/accused No.2 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. and co-operate with the Investigating Officer. Further, the petitioner/accused No.2 shall appear before the Station House Officer, Nandyal III Town Police Station, Kurnool District, on every Sunday between 08:00 AM and 09:00 AM till filing of the charge sheet.

8. Accordingly, the Criminal Petition is allowed.

SD/- C.V. MALLIKARJUNA VARMA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Station House Officer, Nandyal III Town Police Station Kurnool District.
- 2 One CC to D. ISSAC PRABHAKAR, Advocate (OPUC)
- 3 Two CCs to Public Prosecutor (TG), High Court of Judicature at Hyderabad. (OUT)
- 4 One spare copy.

HIGH COURT

DR.SA,J

DATE: 05-12-2017

ORDER

CRL.P. NO. 11690 OF 2017

DIRECTION



HIGH COURT

Avs

Date of Drafting: 05-12-2017

DR.SA,J

DATE: 05-12-2017

ORDER

CRL.P. NO. 11690 OF 2017

DIRECTION

