

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12104 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner/A.1 under Section 438 of Cr.P.C. for grant of anticipatory bail to him in Crime No.32 of 2017 of Thondangi Police Station, East Godavari District, registered for the offences punishable under Sections 417, 420, 427, 506 read with 34 I.P.C.

2. Heard the learned counsel for the petitioner/A.1, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 is falsely implicated in this case. The *de facto* complainant is already married. The dispute between the parties is civil in nature. The *de facto* complainant may file a suit for recovery of money and get her money if it is due, and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioner/A.1.

5. As per the material placed on record, the *de facto* complainant N.Nagalaxmi filed a complaint before the Judicial First Class Magistrate, Tuni, and the complaint is referred to the police under Section 156(3) Cr.P.C. Basing on that, this case is registered and the investigation is under progress.

6. The specific allegation, against the petitioner/A.1 and other accused in this case are that the petitioner/A.1 entered into a betrothal ceremony. It was held on 18.08.2016, wherein petitioner/A.1 agreed to marry the *de facto* complainant and that his parents received an amount of Rs.2,50,000/-. There is also record to show that the petitioner/A.1 married

some other person before the betrothal ceremony. Without disclosing the said marriage with one Swapna, the petitioner/A.1 entered into the betrothal ceremony with the *de facto* complainant and his parents received an amount of Rs.2,50,000/-. Even the marriage of the *de facto* complainant on subsequent date would not dilute the allegations leveled against this petitioner/A.1. Under these circumstances, it cannot be said that there is no element of cheating and dishonest intention on the part of the petitioner/A.1. The allegations are serious in nature.

7. It is also contended that an amount of Rs.2,50,000/-, which was given to the parents of the petitioner/A.1 at the time of the betrothal ceremony, is not yet received by the *de facto* complainant and her parents. The matter requires thorough investigation. It cannot be said that the dispute is civil in nature and the *de facto* complainant has to work out her remedies before the civil court. In these circumstances, the *de facto* complainant can certainly maintain a complaint of this nature. Under these circumstances, it is not a fit case to allow this application. The petition is devoid of merit and is liable to be dismissed.

8. Accordingly, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 15-12-2017.
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