

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.4330 OF 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C to grant pre-arrest bail to the petitioner/Accused in Crime No.86 of 2018 of Gachibowli Police Station, Cyberabad, Ranga Reddy District, registered for the offences punishable under Sections 498-A and 506 IPC.

The case of the prosecution in brief is that the *de facto* complainant - Divyasha Mohapatra, the wife of the petitioner lodged report making serious allegations that for the last 11 months prior to lodging report, the petitioner and her in-laws subjected her to cruelty and they are continuously complaining about insufficiency of gifts and jewellery given to them and taunted and insulted her parents for not getting them gifts as per their standard and they always mocked at the *de facto* complainant stating that she is a women, hence, by now she should have carried a child and they left no stone unturned in their attempts to malign the character by making baseless allegations and questioning her relationship with male friends. The accused also denied taking car from her parents, but cleverly the husband of the complainant brought new car in her name and asked her to pay EMI from her paltry salary and tortured her to the extent that they forced her to commit suicide and write a note that nobody is responsible for her death. On the basis of such complaint, the police registered the above crime.

The main contention of learned counsel for petitioner is that in the absence of any specific allegation in the entire report, the petitioner cannot be made to languish in jail and that in the

absence of any specific allegation, the Court can grant anticipatory bail to the petitioner and requested the Court to pass appropriate order.

Whereas, learned Additional Public Prosecutor opposed the petition on the ground that FIR discloses that the petitioner subjected the *de facto* complainant to harassment. In the statement recorded under Section 161 Cr.P.C., the *de facto* complainant stated the said fact and that too the investigation is not yet completed.

The specific allegations made against the petitioner is that he purchased car in name of *de facto* complainant and forced her to pay monthly instalments and also harassed in different ways i.e. failure to get gifts of their standard and questioned her relationship with her male friends with a view to drive her to commit suicide and write a suicide note that nobody was responsible. According to clause (a) of explanation to Section 498-A, for the purpose of the section, 'cruelty' means any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman to constitute an offence.

The contention of the petitioner is that in the absence of any specific overt acts attributed to him, he can be enlarged on bail. But this contention cannot be accepted for the reason that FIR is only information about commission of cognizable offence and it need not contain minute details. Therefore, mere absence of specific allegations against the petitioner is not sufficient to grant pre-arrest bail. On over all consideration of the material on record including the statement recorded by the police, during investigation, under

Section 161 Cr.P.C., disclosed *prima facie* evidence that the petitioner subjected the victim by their conduct drove her to commit suicide and forced her to write suicide note that nobody is responsible for the said act is *prima facie* sufficient to constitute offence. In such a case, the Court cannot grant pre-arrest bail to the petitioner. Therefore, it is not a fit case to grant pre-arrest bail.

In the result, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

19.04.2018
kvrn

M.SATYANARAYANA MURTHY,J

