

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.7376 OF 2018

ORDER:

The petitioner is A1 among four accused in Crime No.67 of 2018 on the file of the Podili Police Station, Prakasam Disttict. The crime is registered for the offences punishable under Sections 498-A & 307 r/w 34 IPC. The petitioner who went unsuccessful in seeking anticipatory bail before the learned VI Additional District & Sessions Judge, Prakasam at Markapur in CrI.M.P.No.548 of 2018 by order dated 04.07.2018 and moved this anticipatory bail application.

2. The averments in the present anticipatory bail application are that it is a false case foisted and the *de facto* complainant is the divorced wife and the petitioner is residing separately from her since 2013 and the two children are also staying with him and there is no necessity for him to kill her as alleged and thereby, entitled to the concession of bail.

3. Heard the learned counsel for petitioner and the learned Public Prosecutor representing the State of Andhra Pradesh and perused the material on record.

4. A perusal of the F.I.R. shows eighteen years back the marriage of *de facto* complainant with A1 was performed and in their wed lock they were blessed with two girl children and A1 is addicted to bad vices for the past five years and he is not treating her properly and ill-

treating at the instigation of other accused family persons no other than the mother-in-law and brother of her husband and that she was earlier necked out and through elders she joined back and that her husband totally neglecting her and she is suffering with breast cancer and she is living by tailoring and after operation to her breast cancer she is staying at her sister's house . It was whileso, a day prior to the report that on 22.05.2018 at about 8.00 P.M. when she and her sister was at the house, her husband along with his friends came there and by questioning as to she was speaking ill about him for spreading the news through Facebook and by so abusing beat with the iron rod on her head and other parts of the body including at left shoulder and she sustained the bleeding head injuries and could have been killed, but for her sister and sister's husband came to her rescue and for all their cries they flee away and she was treated in the hospital.

5. The petitioner's contention even taken to consider of the *de facto* complainant is residing away to him and with allegation of there was a divorce certificate obtained from the State Wakf Board by dissolving the marital tie with the *de facto* complainant by A1 in 2013, from the very report of the *de facto* complainant is staying at her sister's house, where A1 along with others came and attacked and there is no proof regarding the triple talak with her consent or by communication to her even to say that the *de facto* complainant is the divorced wife of A1 or to argue therefrom of the non-application of Section 498-A IPC even she is living on her own from the very report

and neglected by him, leave about the earlier ill-treatment when armed with iron rod and attacked on her by A1 having associated with other unsocial elements, but for rescue by her sister and brother-in-law she could have been beaten to death and the Wound Certificate clearly shows 2" x 2" size injury on the top of the head associated with ½" x ¼" x ¼" size injury.

6. Having regard to the above, this is not a fit case for grant of anticipatory bail to the petitioner-A1 as rightly concluded by the learned VI Additional District & Sessions Judge, Prakasam at Markapur while dismissing Crl.M.P.No.548 of 2018 by order dated 04.07.2018.

7. Accordingly, this Criminal Petition is dismissed. It is however not the bar to the petitioner-A1 to surrender before the Court below and move for regular bail to decide on own merits.

08.08.2018
MVA

Dr. B. SIVA SANKARA RAO, J