

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9888 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner/ A1, seeking release in the event of his arrest in connection with Crime No.122 of 2017 on the file of Koilakuntla Police Station, Kurnool District, registered for the offences punishable under Sections 307, 324, 498-A r/w 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

3. The above crime was registered on the report of the de fact complainant, no other than wife of A1, dated 10.12.2017, with the averments that at the time of marriage, Rs.15 lakhs dowry in cash and 25 tulas of gold presented and the petitioner is working as Software Engineer in Bangalore; that after she joined at matrimonial home, they lived happily for few days and later he started neglecting her by roaming with his friends and habituated to the vices and harassed the her physically and mentally for additional dowry and his parents also started harassment to bring additional dowry of Rs.50 lakhs despite her parents expressed inability to meet such a huge demand beyond their capacity. It is further averred that even she was adjusting made her life miserable and she went for delivery during her pregnancy to her parents

house and after delivery of a male child, when informed the accused, he refused to see even a new born child unless additional demand dowry meted out as a condition; that even mediation held through one Thirupaiah, advocate and one Krishnaiah, it was failed; that the de facto complainant, later, some how, could convince the accused and joined him on 27.03.2017 but there is no change in his attitude and also his parents including further mediation through parents of the de facto complainant with accused and through elders by names, Tota Hussaianaih, Konka Subbaiah, Sammatham Ramachandrudu; that on 09.12.2017, the accused agreed to receive the de facto complainant when counselling by the Police from her approaching the Police Station and it is, on the self same day, after reached the house of the accused by de facto complainant with the male child, the accused tried to kill her, she was beaten with stick and sustained injuries and for her cries neighbours came to her rescue. It is, on the advise of the elders, she presented the report on 10.12.2017.

4. The contentions of the petitioner in the bail application vis-à-vis the submission of the learned counsel for the petitioner are that he is innocent and it is a concocted story by false implication with delayed report.

5. Undisputedly, the petitioner went unsuccessful in seeking anticipatory bail before this Court in CrI.P.No.2055 of 2018 dated 28.02.2018 and later, only A2 and A3 were granted

bail by this Court in Crl.P.No.2169 of 2018 dated 06.03.2018.

The petitioner has not been arrested so far even by the police. The wound certificate of the de facto complainant dated 09.12.2017 shows swelling in neck, abrasion on right shoulder and abrasion on right wrist and the mother of the de facto complainant also sustained three simple injuries in that course, i.e., swelling in back with redness abrasion over right shoulder and abrasion over right forearm.

6. Taking into consideration of the above facts and the would certificate showing swelling for neck co-relates of the very allegation of squeezing of neck of the de facto complainant with chunni, leave about the other injuries with stick, it is not a fit case to grant anticipator bail, though it is the duty of the Court to balance the personal liberty with propensity of crime.

7. Accordingly, the Criminal Petition is dismissed.

8. Consequently, miscellaneous petitions, if any shall stand closed.

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JUSTICE Dr. B.SIVA SANKARA RAO

Date:27.09.2018

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