

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

THURSDAY, THE TWENTY FIFTH DAY OF OCTOBER, TWO THOUSAND AND
EIGHTEEN

: PRESENT :

THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP.Nos. 10801 & 10806 of 2018

Crl.P.No. 10801 of 2018 :-

Between:-

S. Mahaboob Basha, S/o. Sharifuddin,

..... Petitioner/Accused No. 1.

AND

The State of Andhra Pradesh, rep. by Public Prosecutor,
High Court at Hyderabad.
(Through SHO, Kadiri P.S., Anantapur District)

.....Respondent.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused No.1 on anticipatory bail in the event of his arrest in connection with Crime No. 200 of 2018 on the file of Kadiri Town Police Station, Anantapuramu District, during the pendency of inquiry and trial.

CRL.P.No. 10806 of 2018 :-

Between:-

1.S. Sharifuddin S/o. S. Khadarvali (A-2)

2.S. Haseena Begum, W/o. S. Sharifuddin. (A-3)

3.S. Nooruddin S/o. Sharifuddin (A-4)

4 S. Rajvana, W/o. Arshad. (A-5)

..... Petitioner/Accused Nos. 2 to 5.

AND

The State of Andhra Pradesh, rep. by Public Prosecutor,
High Court at Hyderabad.
(Through SHO, Kadiri P.S., Anantapur District)

.....Respondent.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioners/Accused Nos. 2 to 5 on anticipatory bail in the event of their arrest in connection with Crime No. 200 of 2018 on the file of Kadiri Town Police Station, Anantapuramu District, during the pendency of inquiry and trial.

These petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri N. Ranga Reddy, Advocate for the Petitioners in both petitions and of Additional Public Prosecutor(AP) on behalf of Respondent-State, the Court made the following

ORDER :-

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.10801 & 10806 of 2018

COMMON ORDER:

Since both these Criminal Petitions are filed seeking bail in the same crime and the facts of the case and the issues involved are similar, both these Criminal Petitions are being disposed of by this common order.

2. Criminal Petition No.10801 of 2018 is filed by the petitioner/A.1 under Section 438 of Cr.P.C., seeking anticipatory bail in the event of his arrest in Crime No.200 of 2018 of Kadiri Town Police Station, Anantapuramu District, registered for the offences punishable under Sections 498A, 342, 384, 506 read with 34 of I.P.C. and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

3. Criminal Petition No.10806 of 2018 is filed by the petitioners/A.2 to A.5 under Section 438 of Cr.P.C., seeking anticipatory bail in the event of their arrest in same crime of same police station registered for similar offences.

4. Heard the learned counsel for the petitioners in both these petitions (A.1 to A.5), the learned Additional Public Prosecutor representing the respondent-State in both these petitions and perused the record.

5. The learned counsel for the petitioners in both these criminal petitions (A.1 to A.5) would contend that the petitioners/A.1 to A.5 are innocent persons and falsely

implicated in this case. A report was lodged with the police by the de-facto complainant with a delay of one year. There are no specific and grave allegations against the petitioners/accused Nos.1 to 5 and ultimately prayed to allow both the criminal petitions.

6. On the other hand, the learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioners/accused Nos.1 to 5 contending that there are grave and specific allegations against the petitioners/accused Nos.1 to 5.

7. The material placed on record reveals that the marriage between the daughter of the de-facto complainant and the petitioner in Criminal Petition No.10801 of 2018 (A.1) was performed on 20.10.2014 at Kadiri. Thereafter, the victim-Tasleem was mentally and physically tortured by the petitioners/A.1 to A.5. There are specific and grave allegations against the petitioner in Criminal Petition No.10801 of 2018 (A.1) with regard to demand of additional dowry. There is also specific allegation that on 03.09.2017 at 02:30 PM, the victim-Tasleem was found hanging in the house of the petitioners/A.1 to A.5. Immediately she was shifted to Kadiri Government Hospital and from there, she was shifted to R.D.T.Hospital, Battalapalli, for better treatment. It is also alleged that without knowledge of the parents of the victim, the victim was shifted to Bangalore. A report was lodged with the police by the father of the victim on 10.09.2018. Since there are specific and grave allegations against the petitioner in Criminal Petition 10801 of

2018 (A.1), this Court is not inclined to grant anticipatory bail to him under Section 438 of Cr.P.C. The veracity of the allegations against the petitioners in Criminal Petition No.10806 of 2018 (A.2 to A.5) are required to be established after due trial. In view of the nature of the allegations and the gravity of offences, this Court is inclined to grant anticipatory bail to the petitioners in Criminal Petition No.10806 of 2018 (A.2 to A.5) under Section 438 of Cr.P.C., on some conditions.

8. In the result, Criminal Petition No.10801 of 2018 filed by the petitioner/A.1 is dismissed. Criminal petition No.10806 of 2018 filed by the petitioners/A.2 to A.5 is allowed directing them to surrender before the Station House Officer, Kadiri Town Police Station, Anantapuramu District, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Kadiri Town Police Station, Anantapuramu District, shall release the petitioners/accused Nos.2 to 5 on bail on each of them executing personal bonds for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his/her satisfaction. After release on bail, the petitioners/A.2 to A.5 shall abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigating officer in the investigation of the case.

Pending Miscellaneous Petitions, if any, shall stand closed.

//TRUE COPY//

SD/- K. TATA RAO
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

- 1.The Special Sessions Judge for trial of SCs & STs Cases-cum-VIII Additional Sessions Judge, Anantappuramu.
- 2.The Station House Officer, Kadiri Police Station, District.
- 3.Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT).
- 4.One CC to Sri N. Ranga Reddy, Advocate(OPUC)
- 5.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.25-10-2018.

ANTICIPATORY
BAIL ORDER

CRLP .Nos. 10834& 10806 of 2018



RELEASE THE PETITIONERS/ACCUSED 2 TO 5
IN CRL.P. NO. 10806 OF 2018 ON BAIL IN THE EVENT OF
THEIR ARREST

A large, handwritten checkmark in black ink, indicating the order has been executed or approved.