

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10923 OF 2018

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant bail to the petitioners-A.1 and A.2 in Crime No.145 of 2018 of Chagallu police station, West Godavari district registered for the offences punishable under Sections 498A, 506 read with 34 IPC and 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners-A.1 and A.2 and the learned Additional Public Prosecutor. Perused the material available on record.

3. Learned counsel for the petitioners would submit that both the petitioners are innocent persons and falsely implicated in this case; that defacto complainant (wife of petitioner-A.1) lodged the report before police on 16.08.2018 after the petitioner-A.1 filed an application for dissolution of marriage; that there is no dowry demand or harassment to the defacto complainant, and ultimately, prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioners-A.1 and A.2 under Section 438 Cr.P.C.

5. In view of the contentions put forth by both sides, the point for determination is whether the petitioners-A.1 and A.2 can be granted bail under Section 438 Cr.P.C.?

6. The material placed on record reveals that on the demand of the petitioners-A.1 & A.2 and other accused, an

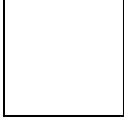
amount of Rs.3,00,000/- and other gold ornaments were given as dowry besides adapaduku katnam of Rs.30,000/-, in the marriage of the defacto complainant by name Matta Lakshmi Sridevi with petitioner-A.1. There are allegations of dowry demand and harassment immediately after the marriage. There are also allegations that the defacto complainant was not allowed to attend her brother's marriage, and at that time also, petitioners-A.1 and A.2 demanded Rs.50,000/- from her parents. There are other allegations with regard to dowry demand and harassment at different points of time. The allegations are grave and specific against both the petitioners. The learned Sessions Judge was pleased to dismiss the anticipatory bail application of the petitioners vide order dated 04.10.2018 in CrI.M.P.No.1095 of 2018 by assigning reasons. In view of the nature of allegations and the material collected so far against the petitioners-A.1 and A.2, it is proper for petitioners to appear before the court concerned and seek regular bail.

7. With the above observation, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

22.10.2018
DRK

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Crl.P. No. 10923 of 2018

22.10.2018

DRK