

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11260 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of anticipatory bail in the event of his arrest in Crime No.160 of 2018 of Avanigadda Police Station, Avanigadda, Krishna District, registered for the offences punishable under Sections 417 and 420 I.P.C.

2. Heard the learned counsel for the petitioner/accused, learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioner/accused would contend that there was no relationship between the *de facto* complainant and the petitioner/accused at any point of time; that all the allegations made in the F.I.R. are false; that there is no demand of dowry as alleged and ultimately prayed to allow this application. In support of his case, learned counsel for the petitioner/accused relied on a decision reported in **Ravi @ Mahesh vs. The State of Karnataka by Hunasuru Rural Police Station, Hunasuru [2013 SCC OnLine Kar 4801]**.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioner/accused and contended that there is specific allegation that the petitioner/accused cheated the *de facto* complainant and lived with her as a husband and thereafter, demanded huge amount as dowry and refused to marry her.

5. The material on record also reveals that the petitioner/accused developed relationship with the *de facto* complainant and they lived together as husband and wife for sometime; that several times, the petitioner/accused promised to marry the *de facto* complainant and postponed the marriage on one reason or the other; that an amount of Rs.10,00,000/- was demanded as dowry for purpose of their marriage; that the father of the *de facto* complainant agreed to pay Rs.5,00,000/- and even then, the petitioner/accused did not agree for the marriage; that the petitioner/accused, in order to get more dowry, wanted to marry his relative; that there are also allegations that the *de facto* complainant was taken to the house of the petitioner/accused and made to serve his ailing mother. In the decision referred supra, there are no allegations of sexual relation and the facts and circumstances of the case on hand are quite distinct from the facts and circumstances appearing in the above case. There are specific and grave allegations against the petitioner/accused of deceiving the *de facto* complainant and developing sexual relation with her and also demanding a huge amount as dowry. Under these circumstances, it is not a fit case to allow this application under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 06.11.2018
AMD

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