

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11661 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 and A.3, for grant of bail in Crime No.61 of 2018 of Kurnool Women Police Station, Kurnool, registered for the offences punishable under Sections 498-A, 323, 506 read with 34 IPC and Section 4 of the Dowry Prohibition Act.

2. Heard the learned counsel for the petitioners/A.1 and A.3 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioners/A.1 and A.3 would contend that after filing of the divorce application by the petitioner/A.1, the *de facto* complainant lodged report with the police on false allegations. The alleged offences were not committed by the petitioners/A.1 and A.2. The marriage of the petitioner/A.1 and the *de facto* complainant was performed in the year 2011. The *de facto* complainant did not beget any children and she declined to take any treatment for conceiving. There is no fault on the petitioner/A.1 and ultimately, prayed to allow the petition.

4. The learned Additional Public Prosecutor for the State opposed the grant of bail to the petitioners/A.1 and A.3 and contended that there are serious allegations against the petitioners and ultimately, prayed to dismiss the petition.

5. As per the material placed on record and the submissions made by the learned Additional Public Prosecutor, the petitioners/A.1 and A.3 alleged to have beat the *de facto* complainant on several occasions, abused her in filthy language and demanded

additional dowry of Rs.5 lakhs. There are other serious allegations against the petitioners/A.1 and A.3 with regard to the cruelty, etc. In view of the seriousness of the allegations and gravity of the offences, it is not appropriate to allow the petition under Section 438 Cr.P.C. The petition is devoid of merit and is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed.

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

DR. SHAMEEM AKTHER, J

Date: 13.11.2018
ssp

