

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12572 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of bail in Crime No.75 of 2018 of Undi Police Station, West Godavari District, registered for the offences punishable under Sections 312, 377, 406, 498-A, 108, 509, 120B read with 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

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

3. Learned counsel for the petitioner/A.1 would submit that the subject crime was registered basing on reference of a complaint under Section 156(3) of Cr.P.C. filed before the Magistrate. All the allegations made in the FIR are absolutely false. The *de facto* complainant wanted the petitioner/A.1 to work in USA. When he did not do so, a false report was lodged against him and his family members. His family members were granted anticipatory bail by the Court of Session. However, by the Court of Session without there being justification, dismissed the bail petition of petitioner/A.1 under Section 438 of Cr.P.C. and ultimately, prayed to allow the petition.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.1 and contended that there are specific and grave allegations constituting the offences alleged against the petitioner/A.1.

5. As per the material placed on record, the *de facto* complainant and the petitioner/A.1 got married on 14.08.2014 and started living in Bangalore and they were blessed with a daughter, who is now aged about two years. There is specific allegation against the petitioner/A.1 that he used to harass and beat the *de facto* complainant in a drunken state. There are also allegations that the petitioner/A.1 used to consume ganja and insist his wife to consume liquor. Further, there are allegations of committing unnatural offences against the *de facto* complainant. He used to arrange video cameras and record when the *de facto* complainant was changing clothes. There is also allegation against the petitioner/A.1 that he was having friendship and sexual relation with other girls, particularly A.5. There are also specific allegations of demand of additional dowry and when she failed to meet the same, he used to harass her. Whether the allegations are true or false is a matter of investigation. At this hour, it cannot be held that the *de facto* complainant made a false report against the petitioner/A.1 and the allegations do not constitute the offences alleged. The allegations are specific and grave and supported by the material collected by the Investigating Officer. The punishment for the alleged offences is stringent. It is not a fit case to allow the petition under Section 438 Cr.P.C.

6. The Criminal Petition is, accordingly, dismissed.

DR. SHAMEEM AKTHER, J

Date: 13.12.2018
ssp