

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13241 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.1 for grant of anticipatory bail in the event of his arrest in Crime No.119 of 2018 of Women Police Station – I, Warangal Commissionerate, registered for the offences punishable under Sections 498A and 494 I.P.C. and Section 4 of Dowry Prohibition Act.

2. Heard the learned counsel for the petitioner/accused No.1 and the learned Additional Public Prosecutor representing the respondent-State. Perused the material on record.

3. The learned counsel for the petitioner/accused No.1 would contend that there was a love marriage in between the petitioner/accused No.1 and the *de facto* complainant/ B. Poornima. The marriage took place in the year 2008. Both the parties came together pursuant to the online conversation. The allegations made in the F.I.R. that the petitioner harassed the *de facto* complainant and demanded dowry of Rs.20,00,000/- is false. Further, the petitioner did not marry S. Ramyasri at any point of time and ultimately, prayed to allow the application.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.1.

5. As per the material placed on record, marriage between the petitioner/accused No.1 and the *de facto* complainant took place in

the year 2008. Thereafter, both of them lived together in Hyderabad for six years. From 2013 onwards, the *de facto* complainant is forcibly living at her parents place. There is also specific mention that the petitioner and *de facto* complainant begot six years daughter by name 'Diya'. There is mention that the petitioner developed illegal intimacy with S. Ramyasri. There is also mention that the petitioner demanded an amount of Rs.20,00,000/- and for that, he started harassing the *de facto* complainant mentally and physically, which culminated in differences between the parties and made the *de facto* complainant live separately from the petitioner. It is also on record that when the petitioner was called for panchayat, he did not attend and informed that he would give divorce to the *de facto* complainant and marry S. Ramyasri. The allegation with regard to the dowry harassment and performing second marriage are made out from the record. The alleged offences are grave and at this juncture, it cannot be said that a false report, dated 30.10.2018, was lodged by the *de facto* complainant against the petitioner. Therefore, the petitioner/accused No.1 is not entitled for bail under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

December 18, 2018.
MD