

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
MONDAY, THE ELEVENTH DAY OF DECEMBER, TWO THOUSAND AND
SEVENTEEN
: PRESENT :**

THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP .No. 11719 of 2017

Between:-

- 1.Z. Sheik Jahir, s/o. P.S. Zafarrullah.
- 2.P.S. Zaffarullah, S/o. Shaik Moh. Rowthar
- 3.Z. Johanoora, /o. P.S. Zaffarullah.

..... Petitioners/Accused Nos. 1 to 3.

AND

State of Andhra Pradesh, Represented through Public Prosecutor,
At High Court, Hyderabad..

.....Respondent/Complainant.

Petition filed under Sections 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to ENLARGE THE Petitioners on bail, in the event of their arrest in connectin with FIR No. 338 of 2017 dated 26-09-2017 on the file of SHO, Amalapuram Town, East Godavari District.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri N. Sreedhar Reddy, Advocate for the Petitioners and of Addl. Public Prosecutor(AP) on behalf of Respondent-State, the Court made the following **ORDER :-**

“This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-A1 to A3 for the offences alleged under Sections 417, 354 (A), 354 (C), 354 (D), 384, 506 Para II, 448, 427, 323, 365 r/w 511, 326-B IPC and 67, 68 of I.T. Act r/w 147, 148 IPC.

2. Heard learned counsel for the petitioners-A1 to A3, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A1 to A3 would submit that the de facto complainant is the wife of petitioner-A1. They have married in the year 2011. The allegation is that A1 has taken naked photos/videos and harassed her physically and mentally threatening her to place the photos/videos in the internet. There is no incident as alleged in the report, dated 26.09.2017. The petitioners also placed copies of writ petitions, counters relating to the alleged marital disputes between the petitioner-A1 and the de facto complainant and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A1 to A3 and vehemently contended that there was no marriage between A1 and the de facto complainant. The de facto complainant was harassed. Her naked photos were taken. She was threatened and ultimately, prayed to dismiss the application.

5. In the course of submissions made on behalf of the petitioners-A1 to A3, it is brought to the notice of this Court that father of the de facto complainant namely Gandham Ramam published a notice in Tamil Daily, Thanthi, dated 01.12.2011, wherein he stated that the de facto complainant namely Surya Ganga Devi, aged 25 years was missing from Chennai. He gave her details in that notice and also given his contact number etc., There is also record to show that the petitioner-A1 filed H.C.P. (MD) No.550 of 2016 before the Judicature at Madras, Madurai Bench at Madurai stating that he married the de facto complainant. Both were in love from 2011 onwards. The

marriage took place as per the Hindu customs. He changed his name as Sekar Sugadev from Sheik Jahir. The petitioner-A1 is doing hotel business in the name and style of 'Ganga Ambigence and Leasar Palace'. He kept his wife, the de facto complainant in the second week of December, 2014 in a separate house and went to Dubai for job. In the month of August, 2015, he went to Bangalore. Thereafter, his wife (de facto complainant) was brought by her father to the native place situated in Andhra. Thereafter, the petitioner-A1 was not allowed to see his wife. It is contended that the de facto complainant was wrongfully confined. The father of the de facto complainant filed counter denying the allegations made by the petitioner-A1 in the above H.C.P. and also contended that his daughter was not wrongfully confined by him. The de facto complainant also filed counter in the above H.C.P. denying her marriage etc., She denied love affair between the parties and also marriage as per Hindu Rites. It is contended that she did not obtain any permission to run a hotel at Uttarakhand on 4.01.2012. There was no lease deed on 31.10.2012. It is also contended that there was no co-habitation between the parties. She has been in the care and custody of her father.

6. After filing of the counter by the de facto complainant in the above H.C.P., the Court recorded the same and ultimately held that the de facto complainant wanted to go to her father. The alleged detinue is a major and she was set at liberty. In the counters filed by the father of the de facto complainant and the de facto complainant in H.C.P. (MD) No.550 of 2016, there was no mention of taking naked photos/videos of the de facto complainant and the alleged threats and even the love affair between the parties. Though the allegations are preceding the date of filing counter before the Hon'ble High Court at Madurai Bench, the petitioner-A1 also filed photos of the de facto complainant and himself where both of them are seen together. The de facto complainant also filed copies of lease deed, dated 12.11.2012, wherein it is contended that the de facto complainant signed on the lease deed. There is also a partnership deed, dated 30.08.2013, wherein the de facto complainant is a signatory to the lease deed on behalf of M/s Stalwart Hotel. In the copies of income tax returns for the year 2013-14, the signature of the de facto complainant is found and the said document is dated 30.08.2013 and place is Rishikesh. There is also a letter said to have sent by the de facto complainant authorizing the petitioner-A1 and father to collect her medical certificate from the Meenakshi Medical College, Kanchipuram, Tamilnadu. There are also other documents to show their relationship as contended by the petitioner-A1. Under these circumstances, it cannot be said that there is a *prima facie* case against the petitioners-A1 to A3 constituting the offences under Sections 417, 354 (A), 354 (C), 354 (D), 384, 506 Para II, 448, 427, 323, 365 r/w 511, 326-B IPC and 67, 68 of I.T. Act r/w 147, 148 IPC to deny the bail under Section 438 Cr.P.C.

7. In the result, the Criminal Petition is allowed directing the petitioners-A1 to A3 to surrender before the Station House Officer, Amalapuram Police Station, East Godavari District, within 30 days from the date of this order. On such surrender, the said S.H.O. shall release the petitioners-A1 to A3 on bail, each of them executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each in a like sum to his satisfaction. On release, the petitioners-A1 to A3 shall abide by the conditions mentioned under Section 438 (2) Cr.P.C. The petitioners-A1 to A3 shall attend before the S.H.O., concerned on every Sunday between 8.00 A.M. and 10.00 A.M. till filing of charge sheet."

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Station House Officer, Amalapuram Police Station, East Godavari District.
- 2.Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT)
- 3.One CC to Sri N. Sreedhar Reddy, Advocate(OPUC)
- 4.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.11-12-2017.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 11719 of 2017

**RELEASE THE PETITIONERS
ON BAIL IN THE EVENT OF
THEIR ARREST**

**DRAFTED BY TKK
DT.13-12-2017.**

HIGH COURT

DR.SA.J

DT.13-12-2017.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 11719 of 2017

**RELEASE THE PETITIONERS
ON BAIL IN THE EVENT OF THEIR
ARREST.**