

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE SIXTH DAY OF DECEMBER, TWO THOUSAND AND SEVENTEEN
: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER**

CRLP .No. 11759 of 2017

Between:-

1.K. Vijaya Sundaram, W/o. late Sundaram (A-2)

2.K. Mahesh, S/o. late Sundaram. (A-3)

..... Petitioners/Accused Nos. 2 & 3

AND

The State of A.P., S.H.O. IV Town P.S., Anantapuram, Anantapuram District,
Rep. by its Public Prosecutor, High Court at Hyderabad.

...Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition and grounds thereof, the High Court may be pleased to release the petitioners/A-2 and A3 on bail in the event of their arrest by the respondent police in Crime No. Cr.No. 193 of 2017 of IV Town, Anantapuram P.S.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Ganduri Nageswara Rao, Advocate for the Petitioners and the Addl. Public Prosecutor(AP) for the Respondent-State, the Court made the following

ORDER :-

“Heard learned counsel for the petitioners/A.2 and A.3, learned Additional Public Prosecutor for the respondent State and perused the record.

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners/A.2 and A.3 in Crime No.193 of 2017 of IV Town Police Station, Anantapuramu District, for the offence punishable under Section 498-A IPC read with Section 34 IPC and Sections 3 and 4 of Dowry Prohibition Act.

Learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the de facto complainant and ultimately prayed to allow the petition.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.2 and A.3.

The material on record reveals that A.1 married the de facto complainant on 22.05.2015 at Anantapuramu. It is also demonstrated that consent of the de facto complainant was forcibly obtained for the marriage. She has also filed FCOP No.67 of 2016 before the Family Court, Additional District Judge, Anantapuramu to declare the marriage between the parties as null and void on the ground that the marriage was not consummated. There is also material on record that there was settlement between the parties on 23.01.2016. In that settlement, an amount of Rs.5,15,000/- was agreed to be paid by A.1 to the de facto complainant. Thereafter, the amount said to have been paid.

Having regard to the nature of allegations and the relationship of the petitioners/A.2 and A.3 with the de facto complainant, the petitioners/A.2 and A.3 are entitled for bail under Section 438 Cr.P.C.

Contd.2...

In the result, the Criminal Petition is allowed directing the petitioners/A.2 and A.3 to surrender before the Station House Officer, IV Town Police Station, Anantapuramu District, within 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/A.2 and A.3 on bail, on each of them executing a personal bond of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to his satisfaction. On such release, the petitioners/A.2 and A.3 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. Further, they shall attend before the said Station House Officer on every Sunday between 9 and 10.00 a.m. till filing charge sheet."

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Station House Officer, IV Town Police Station, Anantapuramu District.
- 2.Two CCs to Public Prosecutor(AP), High Court of Judicature at Hyderabad.
(OUT)
- 3.One CC to Sri Ganduri Nageswara Rao, Advocate(OPUC)
- 4.One spare copy.

TKK

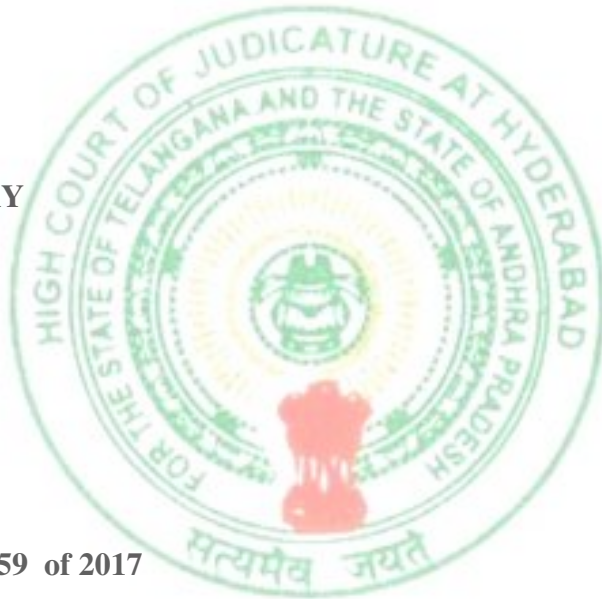


HIGH COURT

DR.SA.J

DT.06-12-2017.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 11759 of 2017

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

**DRAFTED BY TKK
DT.07-12-2017.**

HIGH COURT

DR.SA.J

DT.06-12-2017.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 11759 of 2017

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