

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No. 24718 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioner-A.4 in crime No.79 of 2017 of III Town police station, Ananthapuram registered for the offences punishable under Sections 498A, 307, 506 read with 34 IPC, 3 and 4 of the Dowry Prohibition Act, 1961 and 66E of the Information Technology Act, 2000.

2. Heard both sides and perused the material available on record.

3. The learned counsel for the petitioner-A.4 would submit that the petitioner-A.4 is innocent person and falsely implicated in this case; that the petitioner-A.4 is not responsible for any of the allegations levelled in the report dated 16.04.2017 lodged with police, and ultimately, prayed to allow the application.

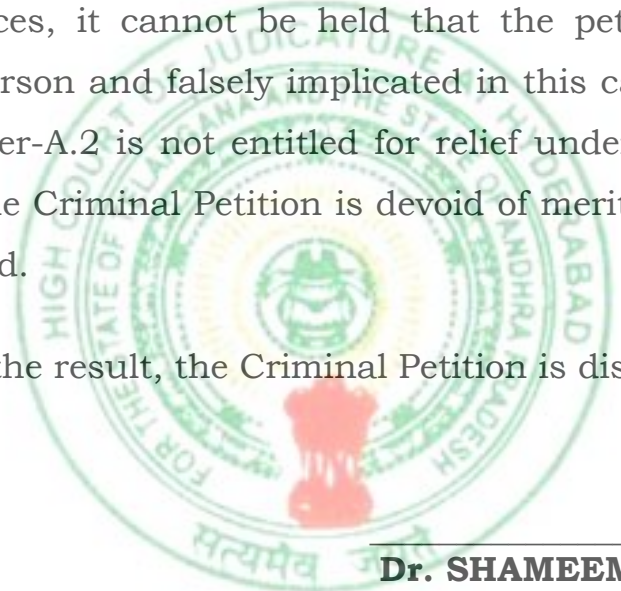
4. On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioner-A.4 under Section 438 Cr.P.C.

5. In view of the contentions put forth by both sides, the point for determination is whether the petitioner-A.4 can be granted bail under Section 438 Cr.P.C.?

6. The specific allegation against the petitioner-A.4 is that he sent explicit content containing obscene woman pictures through his mobile phone to the face book account of defacto complainant, who is his sister-in-law. It is also alleged that the petitioner-A.4 harassed the defacto complainant physically and mentally, and that he used to

gaze at her ungratefully and tried to touch her body. When she complained the same to her mother-in-law, the latter did not say a single word to the former instead asked her to stay in the room and threatened her. There is specific mention that on 27.02.2016, the petitioner-A.4 sent obscene photographs through his cell phone to the face book account of the defacto complainant and sought sexual favour from her by sending certain comments. The contention of the learned counsel for the petitioner-A.4 that some unknown persons sent those photographs, etc. through cell phone of petitioner-A.4, is unsustainable at this stage. The allegations are specific and grave against the petitioner-A.4. Under these circumstances, it cannot be held that the petitioner-A.4 is innocent person and falsely implicated in this case. Hence, the petitioner-A.2 is not entitled for relief under Section 438 Cr.P.C. The Criminal Petition is devoid of merit and liable to be dismissed.

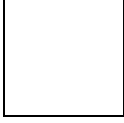
7. In the result, the Criminal Petition is dismissed.



Dr. SHAMEEM AKTHER, J

Date: 19 .1.2018
DRK

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Cr1.P. No. 24718 OF 2017

19.1.2018

DRK