

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD

THURSDAY, THE EIGHTEENTH DAY OF APRIL
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE SANJAY KUMAR
CRIMINAL PETITION NO: 1893 OF 2019



Between:

1. Vemuri Mahaeswara Rao, S/o. Srinivasulu,
2. Vemuri Srinivasulu, S/o. Malakondaiah,

Petitioner/A1 & A2

AND

1. The State of Telangana, Rep by its Public Prosecutor High Court of Judicature Hyderabad
2. Korupolu @ Vemuri Vasavi, W/o Vemuri Maheswara Rao, Age 31 years, occ: Doctor, R/o. H.No.5-1-475, Road No.6, Kavirajanar, Khammam, Khammam District, Telangana State.

R2 impleaded as per court order dt. 17/04/2019.

Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioners/accused No. 01 and 02 on bail in the event of their arrest in with Crime No. 15/2019 of Women P.S.Khammam District during the pendency of inquiry and trial

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof upon hearing the arguments of SRI P DURGA PRASAD Advocate for the Petitioners, and the Public Prosecutor for Respondent No.1, SRI Dr CHALLA SRINIVASA REDDY Advocate for the Respondent No.2, the Court made the following.

ORDER:

HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.1893 of 2019

ORDER:

The petitioners are accused Nos.1 and 2 in Crime No.15 of 2019 on the file of the Women Police Station, Khammam, Khammam District, registered under Sections 498A, 307 and 506 I.P.C. read with Sections 3 and 4 of the Dowry Prohibition Act, 1961. By way of this petition they seek anticipatory bail under Sections 438 Cr.P.C.

The wife of petitioner No.1/accused No.1, being the complainant in Crime No.15 of 2019, got herself impleaded as respondent No.2 in this case.

Heard Sri Koppula Gopal, learned counsel representing Sri P.Durga Prasad, learned counsel for the petitioners/accused Nos.1 and 2 and Sri Challa Srinivas Reddy, learned counsel for respondent No.2/complainant.

Perusal of the complaint reflects that respondent No.2 detailed various acts of harassment which commenced about three months after her marriage in the year 2012. According to her, both the accused demanded additional dowry and her husband, petitioner No.1/accused No.1, tried to kill her also.

Sri Koppula Gopal, learned counsel, would point out that earlier respondent No.2/complainant filed a complaint on the same lines leading to registration of C.C.No.219 of 2017 on the file of the learned II Additional Chief Metropolitan Magistrate, Vijayawada, and the same was compounded before the Lok Adalat convened by the Mandal Services Committee, Vijayawada, under Section 19 of the

Legal Services Authorities Act, 1987. A copy of the award dated 01.5.2018 passed by the Lok Adalat is placed on record. Learned counsel would therefore contend that having already compounded the earlier case, it is not open to respondent No.2/complainant to reopen the issues which arose prior to the institution of the said case.

However, perusal of the amendment to Section 320 Cr.P.C., *vide* Andhra Pradesh Act 11 of 2003, demonstrates that while making an offence under Section 498A IPC compoundable in the erstwhile combined State of Andhra Pradesh, the provision required that a minimum period of three months should elapse from the date of request or application for compromise before the Court.

In the case on hand, there is no indication of any such application having been filed or being kept pending for three months and it appears that a reference was made for the case to be sent to the Lok Adalat for recording the compromise and to compound the offence. Therefore, this Court is of the opinion that no value can be attached to the award dated 01.5.2018 passed by the Lok Adalat Bench, Vijayawada, in C.C.No.219 of 2017.

That apart, Sri Challa Srinivas Reddy, learned counsel, would point out that in relation to Crime No.15 of 2019, which has now been registered, petitioner No.1/accused No.1 was arrested on 07.3.2019 by the Police but he assaulted them and escaped from their custody leading to registration of Crime No.173 of 2019 on the file of Bhavanipuram Police Station, Vijayawada, under Sections 353 and 224 I.P.C. A copy of the F.I.R. is placed on record.

Perusal of the complaint made by respondent No.2/complainant demonstrates that no specific overt acts are attributed to petitioner No.2/accused No.2, her father-in-law, except for general allegations to the effect that he also harassed her by demanding additional dowry. Further, as petitioner No.2/accused No.2 is aged about 64 years, this Court is of the opinion that it would be in the interest of justice to grant him anticipatory bail subject to some conditions.

On the above analysis, the Criminal Petition is dismissed in so far as petitioner No.1/accused No.1 is concerned as this Court finds no grounds to afford him any relief in the light of his past conduct after his apprehension.

The Criminal Petition is allowed in so far as petitioner No.2/accused No.2 is concerned. In the event of his arrest in relation to Crime No.15 of 2019 on the file of Women Police Station, Khammam, Khammam District, he shall be enlarged on bail upon his furnishing a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) along with two sureties for a like sum each to the satisfaction of the Station House Officer, Women Police Station, Khammam, Khammam District. He shall however abide by the conditions prescribed in Section 438 (2) Cr.P.C.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Judicial Magistrate of First Class, Special Mobile Court at Khammam.
2. The Station House Officer, Women P.S., Khammam, Khammam District.
3. Two CCs to PUBLIC PROSECUTOR (TG) Advocate [OPUT]
4. One CC to SRI. P DURGA PRASAD Advocate [OPUC]
5. One CC to SRI. Dr CHALLA SRINIVASA REDDY Advocate [OPUC]
6. One Spare Copy

GR

HIGH COURT

SKJ

DATED:18/04/2019

ORDER

CRLP.No.1893 of 2019

BAIL

