

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3558 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is A.1, for grant of anticipatory bail in the event of his arrest in Crime No.308 of 2019 of Women Police Station, D.D., Hyderabad, registered for the offences punishable under Section 498-A of IPC and Sections 4 and 6 of Dowry Prohibition Act.

The case of the prosecution, as per the Case Diary, is that the petitioner/A.1 is the husband of the defacto complainant, A.2 and A.3 are his parents, while A.4 is the brother of A.1, that the marriage of the complainant with A.1 was performed on 23.12.2015, thereafter matrimonial disputes arose between them and A.1 was taking away all her earnings and spending money by using her Debit Card, that the complainant was forced to obtain loan and made to pay EMI's from her salary, that A.1 started harassing and torturing her, while A.2 to A.4 are torturing her to transfer the properties standing in her name, that as A.1 was having an affair with one Bhanusri, his employer terminated him from service, that all the accused used to threaten the complainant with dire consequences for want of additional dowry, that the complainant was harassed physically and mentally by A.1 and other family members for want of

additional dowry, that basing on the complaint lodged by the defacto complainant, Crime No.308 of 2019 of Women Police Station, D.D., Hyderabad, was registered for the aforesaid offences against the petitioner/A.1 and other accused.

Heard learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner/A.1 contends that the petitioner is innocent of the offences alleged, that the petitioner showed a very great endeavour to the suspicious torture meted out to him by the complainant-wife and at the bad advice of her parents, the complainant has fabricated the present false case of dowry harassment to arm-twist him and to demand huge money to leave the petitioner's family scot-free and to put an end to the marital life and when the petitioner and his parents expressed their inability to meet her demands, the complainant has foisted a false case against the petitioner and his parents with a sole intention to harass the petitioner and his parents. It is further contended that the other accused in the above crime have already been released on anticipatory bail by the Court below concerned and since the petitioner, being A.1/husband, his bail application was dismissed by the Court below vide order dt.19.06.2019 in Crl.MP.No.2081 of 2019. The learned counsel would further contend that the petitioner is ready to abide by any conditions imposed by this Court, including assisting the

investigating agency for his release on anticipatory bail in the event of his arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

A perusal of the contents of the written complaint reveals that there are specific serious allegations made against the petitioner regarding harassment for want of additional dowry. It further reveals that both the petitioner and the defacto complainant have made wild allegations against each other regarding their respective characters, wherein the petitioner has also mentioned about the Gynic problem being suffered by the complainant.

Thus, in view of the specific and serious nature of allegations levelled against the petitioner and also keeping in view the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner/A.1 surrenders before the Court below concerned within fifteen days from today and moves an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the said application shall be considered in accordance with law.

With the above observations, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

15.07.2019.
Msr



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Msr