

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4039 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/Accused No.1 for grant of anticipatory bail in the event of his arrest in connection with Crime No.144 of 2019 of Women Police Station, Begumpet, Hyderabad, registered for the offences punishable under Sections 498-A, 420, 506 and 120(B) I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard learned counsel for the petitioner/Accused No.1 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. The allegations in the complaint would go to show that all the family members including the petitioner/accused No.1 colluded with each other and concealed a fact that petitioner/accused No.1 is impotent and hatched a plan to take away jewellery and presented articles deceitfully and thereby committed the offences of cheating and abetting with a common intention and common object to see that the complainant commit suicide voluntarily; that on persistent demands by the complainant, the petitioner/accused No.1 disclosed that he is impotent and incapable of performing sexual acts and is unfit to do the same. Hence, the complainant filed the present complaint to take necessary action against the accused.

4. Learned counsel for the petitioner/accused No.1 would submit that even if the allegations in the complaint are assumed to

be true and correct, the same would not attract the offences much less the offences as alleged in the complaint; that except making vague averments with regard to medical condition of petitioner, nothing has been stated in the complaint of any harassment with reference to dowry or demand thereof; that the averments made in the complaint are false and hence, he prays to grant anticipatory bail to the petitioner/accused No.1.

5. Learned Additional Public Prosecutor opposed the grant of the bail to the petitioner/accused No.1.

6. As seen from the First Information Report, there are allegations against the petitioner/accused No.1 along with other accused, who harassed the complainant both physically and mentally knowing fully well that the petitioner/accused No.1 is having some physical ailment. Therefore, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed. However, if the petitioner/accused No.1 surrenders before the Court concerned and moves regular bail application, after giving notice to the Public Prosecutor, the same shall be considered by the Court concerned in accordance with law.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JULY 23, 2019
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Date:23.07.2019

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