

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4284 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is the sole Accused, for grant of anticipatory bail in the event of his arrest in Crime No.301 of 2019 of SHO, Sanathnagar Police Station, Hyderabad District, registered for the offences punishable under Sections 498-A and 323 of IPC.

The case of the prosecution, as per the Remand Case Diary, is that the defacto complainant has lodged a complaint stating that she got married to the petitioner on 08.03.2013 and they were blessed with two sons and thereafter the petitioner harassed the complainant physically and mentally, that on 19.06.2019 her husband came to her parents house and assaulted her with hands on her face and took her son to Nizamabad and hence requested to take necessary action. Basing on the said complaint, the police registered Crime No.301 of 2019 for the aforesaid offences against the petitioner/Accused.

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

Learned counsel for the petitioner contends that the petitioner is innocent of the alleged offences and he has not

committed any offence as alleged and he has been falsely implicated in the above crime. It is also contended that the defacto complainant herself deserted the petitioner and left the matrimonial home long back and she has been living with her parents. It is contended that the complainant used to quarrel with the petitioner on petty issues and as the petitioner refused for her demand to live with her parents, the complainant left the matrimonial society of the petitioner. It is further contended 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.

As seen from the contents of FIR, there are specific allegations levelled against the petitioner that he has harassed the complainant physically and mentally. In view of specific allegations levelled against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner/Accused surrenders before the Court below concerned within ten days from today and moves an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the said application may be considered in accordance with law.

With the above observations, this Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

30.07.2019.
Msr



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Msr