

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5745 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A1, seeking anticipatory bail in Crime No.396 of 2019 of Nacharam Police Station, Rachakonda District, registered for the offences punishable under Sections 498-A and 307 r/w 109 IPC and 3 and 4 of DP Act.

2. The case of the prosecution is that the marriage of the petitioner with the de facto complainant-S.Nishitha was performed on 20.12.2015 and at the time of marriage, the parents of the de facto complainant, gave cash of Rs.15,00,000/-, 5 tulas of gold and Rs.2.00 lakhs worth household articles to the petitioner as dowry. As the petitioner started working as Asst. Professor in O.U, Saifabad, they moved and settled in Nacharam along with their child, who is aged about 18 months. Thereafter, the petitioner started harassing her physically and mentally to bring additional dowry of Rs.10 lakhs from her parents. It is further alleged that the brother and brother's wife and sister of the petitioner instigated the petitioner to demand de facto complainant additional dowry and at their instance, the petitioner used to harass her. It is further alleged that on 04.08.2019, the petitioner at the instigation of his relatives attacked the de facto complainant by holding her hair and hitting her to the wall and holding her throat with an intention to kill her, as a result of which, she fell unconscious

and shifted to hospital. Basing on her complaint, police registered the case for the above offences.

3. It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and has nothing to do with the alleged offence and he has been falsely implicated in this case by the de facto complainant out of spite and ulterior motive to harass him and his family members with a mala fide intention and extract huge amount. It is further submitted that the de facto complainant has been harassing the petitioner on some pretext or other and is not co-operating with the petitioner to lead a proper conjugal life. It is further submitted that admittedly certain matrimonial disputes have arisen between the petitioner and the de facto complainant. The de facto complainant never made any effort to reconcile with the petitioner and she always used to involve her parents as the father of the de facto complainant is working as Asst. Sub Inspector of Police and he used to threaten the petitioner. The petitioner has to face dire consequences if he does not obey or fulfil the wishes of the de facto complainant as per her own desire. It is further submitted that false statement has been made by the de facto complainant that the petitioner has caused severe injury to the de facto complainant. As a matter of fact, the petitioner has took the de facto complainant to the hospital on 08.08.2019 when she complained of suffering with headache and giddiness and has performed necessary

diagnosis. It is further submitted that the petitioner is a law abiding citizen.

4. Learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

5. Having regard to the nature of allegations leveled against the petitioner and the involvement of the petitioner in the alleged crime, I am not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending, shall stand closed.

DATED: 20.09.2019.
Hsd

JUSTICE G. SRI DEVI



