

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO: 7383 OF 2021

Between:

1. Gajula Sammaiah, S/o.Rajaiah,
2. Gajula Sarala, W/o. Gajula Sammaiah,

Petitioners/Accused

AND

1. The State of Telangana, Rep by, the Public Prosecutor, High Court at Hyderabad
2. The Station House Officer, Dharoor Police Station, Jogulamba Gadwal District, Telangana.

Respondents

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Criminal Petition, the High Court may be pleased to release the petitioner on bail in the event of his arrest in F.I.R. No.700 of 2021, dt.27/06/2021 on the file of the Station House Officer L.B.Nagar L and O Police Station, Rachakonda District, Telangana

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI KIRAN KUMAR B Advocate for the Petitioners and the Assistant Public Prosecutor for the Respondent No.1, the Court made the following.

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioners/A.2 & A.3, seeking anticipatory bail in Crime No.700 of 2021 of L.B.Nagar (L&O) Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 376(2)(n), 493, 417, 109 r/w 34 of IPC.

2. Heard the learned counsel for the petitioners/A.2 & A.3, the learned Assistant Public Prosecutor representing the respondent No.1-State and perused the record.

3. The learned counsel for the petitioners/A.2 & A.3 would contend that the petitioners/A.2 & A.3 are parents of A.1 in this crime. They were ready to perform the marriage in between the de-facto complainant and A.1. Due to misunderstandings, the marriage was not performed. The petitioners/A.2 & A.3 are not responsible for any of the offences alleged in the subject FIR. Being the parents of A.1, they are falsely implicated in this case. Even there is no

abatement to commit any of the offences alleged against them and ultimately, prayed to allow the Criminal Petition, as prayed for.

4. On the other hand, the learned Assistant Public Prosecutor opposed for grant of bail to the petitioners/A.2 & A.3 and contended that the petitioners/A.2 & A.3 demanded dowry. That was the reason for non-performance of marriage between the de-facto complainant and A.1. The petitioners/A.2 & A.3 are not entitled for grant of anticipatory bail and ultimately, prayed to dismiss the Criminal Petition.

5. It is evident from the record that the de-facto complainant is a divorcee. A.1 had developed love with the de-facto complainant and under the guise of marriage, it is alleged that he had sexual intercourse with her, due to which the de-facto complainant got pregnant and later, the pregnancy was terminated. The allegations against the petitioners/A.2 & A.3 is that they demanded dowry. The said allegation needs investigation. The gravity and seriousness of the offence alleged against the petitioners/A.2 & A.3 is not so high. Further, the petitioners/A.2 & A.3 are aged persons. Considering the age of the petitioners/A.2 & A.3 and the allegations levelled against them, this Court is inclined to grant bail to them under Section 438 of Cr.P.C., subject to the following conditions:

(i) The petitioner/A.2 & A.3 are directed to surrender before the Station House Officer, L.B.Nagar (L&O) Police Station, Rachakonda Commissionerate, within a period of 15 days from the date of this order.

(ii) On such surrender, the said Station House Officer shall release the petitioners/A.2 & A.3 on bail, on each of them executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to his satisfaction.

(iii) On such release, the petitioners/A.2 & A.3 shall report before the said Station House Officer on the last Sunday of every month, till filing of charge sheet.

(iv) The petitioners/A.2 & A.3 shall not, directly or indirectly, meddle with the investigation, intimidate or induce the witnesses, tamper the evidence and they shall co-operate with the Investigating Officer in the investigation of the subject case.

(iv) The petitioners/A.2 & A.3 shall also abide by the conditions stipulated in Section 438(2) Cr.P.C.

6. This Criminal Petition is, accordingly, allowed.

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

//TRUE COPY//

SD/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Hon'ble II Metropolitan Magistrate at L.B.Nagar, Cyberabad
2. The Station House Officer, L.B.Nagar (L&O) Police Station, Rachakonda District, Telangana.
3. The Station House Officer, Dharoor Police Station, Jogulamba Gadwal District,
4. One CC to SRI. KIRAN KUMAR B Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
6. One Spare Copy

HIGH COURT

DRSAJ

DATED:04/10/2021

ORDER

CRLP.No.7383 of 2021

BAIL

