

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8802 OF 2021

ORDER:

This Criminal Petition, under Section 438 Cr.P.C., is filed by the petitioners – Accused Nos.1, 4 and 5 seeking bail in the event of their arrest in connection with Crime No. 416 of 2021 of Khammam II Town Police Station, Khammam District, registered for the offences punishable under Sections 498-A and 307 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The case of the prosecution is that on 21.09.2021 at 12.30 hours, the complainant lodged a complaint stating prior to the said date that the petitioners, A-2 and A-3 have harassed her mentally and physically by demanding additional dowry and also on 03.09.2021 at 22.30 hours, A-1 to A-5 attempted to murder the *de facto* complainant.

3. Heard the learned counsel for the petitioners, learned Assistant Public Prosecutor appearing for the State and perused the material on record.

4. Learned Senior Counsel Mr. M.P. Chandhra Mouli appearing for the petitioners submits that A-1 gave complaint to the police against his father-in-law on 03.09.2021, which was registered as Crime No.573 of 2021 of P.S. Jubilee Hills, Hyderabad for the offences under Sections 341, 448 and 506

IPC. He submits that the present complaint was registered on 21.09.2021 even though the incident has taken place on 03.09.2021, as per the *de facto* complainant. The present complaint was lodged at Khammam, which itself shows that the petitioners are implicated in this case. He further submits that in view of the matrimonial disputes between the parties this false case is foisted. Petitioners are *de facto* complainant's husband, his brother and brother's wife and hence, their case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is pending and so far six witnesses are examined in this case.

6. Taking into consideration the complaint given by the first petitioner on 03.09.2021 in Crime No.573 of 2021 at 21.15 hours at Jubili Hills and as per the present complaint, according to the *de facto* complainant, the incident has happened on 03.09.2021 at 10.30 pm at Khammam, which creates any amount of doubt in the mind of the Court. This Court deems it appropriate to grant pre-arrest bail to the petitioners.

7. Accordingly, this Criminal Petition is allowed. Petitioners – Accused Nos. 1, 4 and 5 shall surrender before the Station House Officer, Khammam II Town Police Station,

Khammam District, in connection with Crime No. 416 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. It is made clear that no further extension of time will be granted.

Miscellaneous applications, if any, pending shall stand closed.

LALITHA KANNEGANTI, J

3rd December 2021
RRB