

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9293 OF 2021

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.1 seeking pre-arrest bail in connection with Crime No. 726 of 2021 of Malkajgiri Police Station registered for the offences punishable under Sections 498-A and 307 IPC. and Sections 3 and 4 of Dowry Prohibition Act.

2. The case of prosecution is that marriage of *de facto* complainant was performed with petitioner on 29.10.2020 and shortly thereafter, petitioner and other accused started harassing her to bring additional dowry and car. It is alleged that in March, 2021, petitioner beat *de facto* complainant mercilessly and throttled her neck to kill her. Likewise, on 03.04.2021, he again beat her mercilessly and tried to kill her by throttling her neck with towel, however, she saved herself from his clutches and came to her parents house and has been staying there.

3. Learned counsel for petitioner Sri K. Surender submits that in view of the strained relationship between the parties, the present report is lodged with all baseless allegations. He submits that as far as the offence under Section 307 IPC. is concerned, it is stated that in the month of March, 2021, petitioner beat *de facto* complainant mercilessly and throttled her neck and again another event was narrated on 03.04.2021

on which date also petitioner was alleged to have beat her. Learned counsel submits that immediately after that incident, it is stated that *de facto* complainant came to her parents' house and the present report was lodged on 26.10.2021. He further submits that as an after thought, petitioner has been implicated in the present case. It is submitted that a month back, *de facto* complainant came back from her parents' house as she had disputes with them also. Learned counsel submits that all the family members of petitioner were implicated in this crime, however, as the allegation against them is under Section 498-A IPC, this Court directed the police to follow the procedure contemplated under Section 41-A Cr.PC. He therefore, submits that the case of petitioner may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that petitioner is prime accused and allegations against him are under Section 307 IPC. He submits that as investigation is pending, he is not entitled for grant of pre-arrest bail.

5. Taking into consideration the fact that even as per the report, according to *de facto* complainant, petitioner beat her in March and April, 2021 and she went to her parents' house and has been staying with them and the present case is filed in October, 2021. Hence, this Court deems it appropriate to grant pre-arrest bail to petitioner.

6. Accordingly, the Criminal Petition is allowed and petitioner – Accused No.1 shall be released on bail in the event of his arrest in connection with Crime No. 726 of 2021 of Malkajgiri Police Station on his executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Station House Officer, Malkajgiri Police Station.

LALITHA KANNEGANTI, J

16th December 2021

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