

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10175 OF 2022

ORDER:

Heard Sri G.Dinesh Patil, learned counsel for the petitioners, as well as learned Additional Public Prosecutor, who is representing respondent-State.

2. Seeking the Court to grant of pre-arrest bail, the petitioners, who are arrayed as accused Nos.1 and 2, in Crime No.427 of 2022 of Bodhan Police Station, Nizamabad District, are before this Court.

3. The name of accused No.2 as per the contents of F.I.R. is Afreen, however, accused No.2 is shown to be one Smt.Khursheed Begum in the present criminal petition. Learned counsel for the petitioners states that both are one and the same. Learned Additional Public Prosecutor also endorsed it.

4. Learned counsel for the petitioners states that petitioner No.1 never harassed the *de facto* complainant for additional dowry and indeed due to the prevailing disputes,

petitioner No.1 gave legal notice on 02.08.2021 to the *de facto* complainant requesting her to join his company. Learned counsel also states that in the said legal notice there is a clear mention that petitioner No.1 contacted second marriage. Learned counsel also states that as per Muslim Personal Law, a Muslim male person is permitted to contact marriages upto four and it is not an offence. Learned counsel submits that the allegations are false and Police are trying to arrest the petitioners even without issuing notice under Section 41-A of Cr.P.C., and therefore, anticipatory bail may be granted. The submission of learned Additional Public Prosecutor is that the case is under investigation and two witnesses were examined till now.

5. Gone through the contents of the complaint as well as the contents of the legal notice. Having considered the said documents and submissions made by learned counsel for the petitioners, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

6. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioners/accused Nos.1 and 2 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on each of them executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) In case, the petitioners/accused Nos.1 and 2 hold passports, they are directed to surrender the same.
- (iii) The petitioners/accused Nos.1 and 2 should not involve in any unlawful activity.
- (iv) The petitioners/accused Nos.1 and 2 should afford all assistance for proper investigation of the case.

- (v) The petitioners/accused Nos.1 and 2 should not cause the evidence of the offences disappear.
- (vi) The petitioners/accused Nos.1 and 2 should not tamper with the evidence in any manner.
- (vii) The petitioners/accused Nos.1 and 2 should not by way of inducement, threat or promise, dissuade any person, who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) The petitioners/accused Nos.1 and 2 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/accused Nos.1 and 2 shall not leave India without previous permission of the Court concerned.
- (x) The petitioners/accused Nos.1 and 2 shall report before the Station House Officer, Bodhan Police Station, Nizamabad District, on every Monday between 10.30 a.m. and 12.00 p.m., till filing of the final report.
- (xi) The petitioners/accused Nos.1 and 2 shall file separate affidavits before the Court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioners shall intimate the Court concerned by giving fresh separate affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 30.11.2022

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