

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.3472 OF 2023

ORDER:

1. This petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.1 in Crime No.51 of 2023 of Amberpet Police Station, Hyderabad. The offences alleged against the petitioner are under Sections 493, 417, 420 and 506 read with 34 of the Indian Penal Code.

2. The sum and substance of case of the prosecution is that both the petitioner/accused No.1 and respondent No.2/victim are involved in live-in-relationship. Subsequently, accused No.1 allegedly secretly married the victim in a temple and such a marriage is not being admitted. Hence, complainant has been alleging that accused No.1 took Rs.20,00,000/-, gold and silver ornaments of the victim and also sold her plots. In this regard, the victim asked accused No.1 to either marry her or return her money. When, such an object is not achieved, the present complaint has been filed by the victim before the police.

3. Learned counsel for the petitioner/accused No.1 submits that the present criminal case is filed in order to recover Rs.20,00,000/- from accused No.1, in connection with agreement which accused No.1 was forced to execute in the police station. The allegation of promise to marriage is not true and in fact, accused No.1 married her, to show the

same he filed photographs of marriage. It is also submitted that criminal proceedings under Section 498-A of IPC has also been initiated by the victim.

4. Learned counsel for the respondent No.2/victim has submitted that the agreement executed by the parties shows that accused No.1 has undertaken to pay Rs.20,00,000/- and other amounts and also return the gold and silver ornaments, which were misappropriated by him. It is clear case of breach of trust and criminal misappropriation. It is also contended that there was also physical attack on the victim by accused No.1 and his family members. It is also submitted that she is not aware of the registration of complaint for the offence under Section 498-A of IPC.

5. A glance of the entire complaint shows that initially a claim has been made that accused No.1 promised to marry the victim, but he did not marry. He further took away the gold ornaments, silver ornaments and Rs.20,00,000/- and also sold out her plots. In fact, the case discloses that marriage of the victim and accused No.1 was performed, though the same is secretly performed and such marriage is not openly admitted. Hence, the present criminal proceedings are nothing but abuse of process of law.

6. Coming to the allegation regarding the physical abuse, the alleged incident of physical abuse occurred in the year 2020 and no complaint is lodged with regard to such physical abuse till the present complaint is filed. In the said circumstances, this Court feels that the accused No.1 can be extended the benefit of bail.

7. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

(i) The petitioner/accused No.1 is enlarged on bail in the event of his arrest in connection with FIR No.51 of 2023 on the file of the Station House Officer, Amberpet Police Station, Hyderabad, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

(ii) The petitioner/accused No.1 shall appear before the Station House Officer, Amberpet Police Station, Hyderabad, on every Saturday between 10.00 am and 05.00 pm for three months.

(iii) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

Date: 15.06.2023
GVR/SKJ