

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.5060 OF 2023

ORDER :

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioner, who is accused No.1 in C.C.No.1024 of 2023, on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad. The offence alleged against the petitioner is under Section 498-A read with Section 34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. The sum and substance of case of the prosecution is that the marriage between Accused No.1 and the complainant was a love marriage and it was performed on 23.12.2021. The petitioner stays in Germany. At the time of marriage, the complainant transferred an amount of Rs.1,60,000/- to the petitioner's friends account to meet the marriage expenses. Accused No.1 promised to take the complainant to Germany, for that he demanded Rs.50,00,000/- and she paid Rs.50,000/- cash to the brother

of Accused No.1. On account of her inability to pay Rs.50,00,000/- as demanded by Accused No.1, VISA was cancelled. On 23.11.2022, the petitioner - Accused No.1 sent notice of divorce and then only the complaint was lodged.

3. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent - State.

4. Admittedly, the marriage between the petitioner and the complainant is a love marriage. No dowry was given at the time of marriage, however, Rs.1,60,000/- was given towards marriage expenses. The only allegation is that Rs.50,00,000/- demand was made by the petitioner - accused No.1 for taking the complainant - victim to Germany to join with him. This alleged additional demand must be considered in the light of the background of marriage and after the marriage, most of the time accused

No.1 was in Germany. Considering above factors, the bail can be granted to the petitioner - Accused No.1.

5. 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 C.C.No.1024 of 2023, on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties to the like sum each to the satisfaction of XV Additional Chief Metropolitan Magistrate at Hyderabad.
- (ii) The petitioner - accused No.1 shall not leave the Hyderabad and India without the permission of the Court below.
- (iii) The petitioner - accused No.1 shall also give an undertaking to the Court that he shall fulfill all the financial liabilities towards the victim pending if any in any Court before the permission is sought for leaving the Country.

- (iv) The petitioner - accused No.1 shall also give an undertaking to appear before the Court below as and when the Court requires his presence by furnishing his local as well as the foreign address for communication.
- (v) 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: 03.07.2023
pld/ns

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5060 of 2023
Date: 03.07.2023

pld/ns