

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 6889 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioner/Accused No.1 seeking anticipatory bail in the event of his arrest in connection with Crime.No.108 of 2023 on the file of W.P.S., Warangal, registered for the offences punishable under Sections 498-A, 450, 327 and 307 of Indian Penal Code (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The petitioner's wife lodged a complaint on 11.03.2023 alleging that she was married to this petitioner and at the time of marriage, Rs.10 lakhs cash, 130 thulas of gold and 5 kgs of silver was given. Thereafter, the petitioner and her in laws started harassing her for Rs.50 lakhs of additional dowry. Further, the petitioner was insisting to register the property standing in the name of the *de facto* complainant into his name. A lap top which belongs to the petitioner was found by

the *de facto* complainant wherein there are several photographs which are obscene and reflected his relationship with several women. Thereafter, on 24.10.2022, when there was no one in the house, the petitioner went to the house of the *de facto* complainant around 2:30 p.m. threw her on the ground and pressed her neck with his right leg. When she made hue and cry for help, neighbours came there and on seeing them, the petitioner ran away.

4. On the basis of the complaint, the Police have registered the crime for the offences under Sections 498-A, 450, 327 and 307 of IPC and Sections 3 and 4 of the D.P.Act. This petitioner and 5 others filed a criminal petition vide CrI.P.No.4960 of 2023 for quashing the proceedings. This Court by order dated 08.06.2023 directed the Police to follow the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹. A-2 to A-2 were granted relief and no relief was granted to this petitioner since the offence under Section 307 of IPC is punishable for more than 7 years.

¹ (2014) 8 SCC 273

5. Learned counsel appearing for the petitioner would submit that in fact there was a settlement by Memorandum of Understanding dated 24.03.2022. The husband and wife had entered into MOU to settle their issues.

6. In view of the differences amongst the spouses, this Court deems it appropriate to grant the relief of anticipatory bail to the petitioner for a limited period of one month subject to the following conditions:-

- 1) The petitioner/Accused No.1 is directed to surrender before the Station House Officer, Woman Police Station, Warangal District on 07.08.2023. Upon such surrender, the said Station House Officer shall release the petitioner/Accused No.1 on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused No.1 shall appear before the concerned police every day from 07.08.2023 to 21.08.2023 at 10.00 a.m. and thereafter, as and when required for the purpose of investigation.
- 3) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 438(2) of

Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

7. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 03.08.2023
dv

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 6889 of 2023
Dt.03.08.2022

dv