

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1992 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking anticipatory bail to the petitioners/Accused Nos.1 to 5 in Crime No.38 of 2024 on the file of Station House Officer, Miryalaguda I Town Police Station, Nalgonda District, registered for the offences punishable under Sections 498-A of Indian Penal Code and Sections 3 & 4 of Dowry Prohibition Act, 1961.

2. The case of the prosecution in brief was that on 14.02.2024, the *de facto* complainant lodged a report stating that her husband, in-laws, sister-in-law and brother-in-law were harassing her for additional dowry and were pressurizing her to sell the agricultural property which was given by her parents in her name at the time of her marriage and that they had sent her out of the house forcibly along with her children. Basing on the said report, the above Crime was registered.

3. Heard learned counsel for the petitioners/Accused Nos.1 to 5 and learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the police issued 41-A Cr.P.C notice to the petitioner Nos.1 to 3 and they replied to the same. But no notice was issued to the petitioner Nos.4 and 5. In spite of responding to the notice 41-A Cr.P.C., the police under the guise of counseling and investigation were harassing the petitioners summoning them to the station and threatening them stating that if they did not come, they would arrest them. As such, the petitioners were apprehending arrest and prayed to enlarge the petitioners on anticipatory bail.

5. Learned counsel for the petitioners further submitted that the petitioner Nos.4 and 5 were permanent residents of Vijayawada and they never involved in the matrimonial disputes of Accused No.1 and *de facto* complainant.

6. Learned Additional Public Prosecutor stated that the petitioners were not cooperating and were not appearing even when they were summoned by the police to appear and as such prayed to dismiss the anticipatory bail application filed by the petitioners.

7. Perused the record. Considering the judgment of the Hon'ble

Apex Court in **Arnesh Kumar v. State of Bihar and another**¹ wherein 41A of Cr.P.C notice is directed to be issued to the persons involved in the matrimonial offences to prevent unwarranted arrests in such cases, and as the petitioners were apprehending their arrest, it is considered fit to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.38 of 2024 on the file of Station House Officer, Miryalaguda I Town Police Station, Nalgonda District on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 to 5 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners/Accused Nos.1 to 5 are directed to surrender before the Station House Officer, Miryalaguda I Town Police Station, Nalgonda District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/Accused Nos.1 to 5 on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

¹ (2014) 8 SCC 273

- 2) The petitioners/Accused Nos.1 to 5 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C., and shall co-operate with the Investigating Officer in investigation of the case.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 22.02.2024
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