

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2757 of 2024

ORDER:

This Criminal Petition is filed by the petitioner - accused under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of her arrest in Crime No.131 of 2024 on the file of PS Jubilee Hills, Hyderabad registered for the offences under Sections 494, 419, 420 and 389 of IPC.

2. The case of the prosecution in brief was that on 06.02.2024 at 16:00 hours, the de-facto complainant lodged a report stating that he was working as a Camera Assistant in film Industry and during the shooting of a movie Bhairavapuram, he got acquainted with the producer of the movie by name Asha Mallika (the petitioner herein). After the completion of the movie shooting, she called him for dinner to her house and they had physical relationship at that time. Later, she informed that she became pregnant. She was having husband and stated that she was going to give divorce to him. They both got married at Chilkuru Balaji Temple. He further stated that during the relationship, the petitioner took an amount of Rs.18,50,000/-, Rs.8,50,000/- by way of hand cash and an amount of Rs.10,00,000/- was transferred to her account and she was threatening him. On that he enquired about her and came to know that she already got two marriages and had three children. But, she

informed him that she was married earlier once and was having no children in that marriage.

3. He further stated that the petitioner had filed cases against three persons vide Crime No.143 of 2016 of PS Gajuwaka, Vizag, Crime No.3054 of 2019 of PS Kukatpally and Crime No.2744 of 2018 of PS Narsingh. He also stated that she also got filed a case against him in Kukatpally PS for the offences under Sections 498-A, 323, 506 and 354 of IPC. He stated that she got prepared fake aadhaar card and pan card with different names and numbers and was cheating and blackmailing him demanding share in his property.

4. Basing on the said report, the above crime was registered.

5. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor.

6. Learned counsel for the petitioner submitted that the petitioner was a lonely lady and taking advantage of her loneliness, the de-facto complainant induced her and made love proposal to her. The petitioner refused the same. But on his assurance that he would marry her, she believed his words and accepted the same. Accordingly, the marriage between the de-facto complainant and the petitioner took place at Chilkuru Balaji Temple on 23.10.2019. Out of their wedlock, a boy child was born. He was aged about 2 years 3 months now. They lived happily only for a period of few months.

Thereafter, the de-facto complainant started harassing the petitioner demanding huge amount as dowry. Due to unbearable harassment during the 9th month of pregnancy, the petitioner lodged a complaint against the de-facto complainant before PS Kukatpally, which was registered as Crime No.1140 of 2021 for the offences under Sections 498-A, 323, 506 and 354 of IPC.

7. He further submitted that the de-facto complainant was blackmailing and threatening the petitioner to withdraw the above case and was sending whatsapp messages and making calls and was defaming and assassinating her character in his close friends circle and family members. The present case was filed as a counter blast to the above said case filed by the petitioner. He further submitted that the de-facto complainant was already married and deserted his first wife and only to escape from the criminal cases, he was threatening the petitioner and foisted this false case with false allegations against her and prayed to enlarge the petitioner on anticipatory bail.

8. Learned Assistant Public Prosecutor reported that there were specific allegations made by the de-facto complainant against the petitioner in his report dated 06.02.2024 and prayed to dismiss the petition.

9. Perused the record.

10. Considering the submissions of the learned counsel for the petitioner and the copy of the complaint in Crime No.1140 of 2021 dated 28.10.2021, and as

the present petition appears to be foisted as a counter blast to the said case filed by her, it is considered fit to grant anticipatory bail to the petitioner - accused on certain conditions.

11. In the result, the Criminal Petition is allowed and the petitioner - accused is granted anticipatory bail on certain conditions:

(i) The petitioner – accused is directed to surrender before the Station House Officer of PS Jubilee Hills, Hyderabad within a period of (15) days from the date of this Order, and on such surrender, the SHO of PS Jubilee Hills, Hyderabad shall release the petitioner – accused on bail on her 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 said Station House Officer.

(ii) The petitioner – accused shall comply with all the conditions stipulated under Section 438(2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 13th March, 2024
Nsk.