

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13321 of 2024

ORDER :

This criminal petition is filed by the petitioner/accused No.1 under Section 482 of Bharatiya Nagarik Suraksha Sanhitha (for short 'BNSS') seeking anticipatory bail in Crime No.272 of 2024 of Amangal P.S., Cyberabad District, registered for the offences punishable under Sections 85 and 109 of Bharatiya Nyaya Sanhitha (for short 'BNS') and Section 4 of Dowry Prohibition Act, 1961.

2. Heard Mr. Mohd. Islamuddin Ansari, learned counsel appearing for petitioner and Mr. Syed Yasar Manoon, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution, in brief, is that the marriage of *de facto* complainant and petitioner/accused No.1 was performed on 06.02.2020 at Parigi, as per the Muslim rites and customs. After their marriage, they led happy marital life for some time and out of their wedlock, they were blessed with two male children. After one year from the date of marriage, the petitioner/accused No.1, along with his family members, started harassing the *de facto* complainant to bring

additional dowry of Rs.10,00,000/-. Unable to bear such harassment, she left her matrimonial home and staying at her mother's home at Parigi and she has also filed a complaint against the petitioner and his parents. On 06.02.2024, when the *de facto* complainant went to the Family Court for hearing, the petitioner promised to look after her welfare. However, the petitioner used to beat and scold her by consuming alcohol and also used to lead lavish life with his office colleague namely Arif. On 13.10.2024, in the night at about 09.00 P.M., the petitioner quarreled with the *de facto* complainant and also tried to kill her with knife and helmet. In the midnight, their landlord made a phone call to the family members of *de facto* complainant. Later, they went to Police Station. Again, he picked up quarrel in the Police Station and beat her demanding additional dowry of Rs.10,00,000/- and one car.

4. The learned counsel for the petitioner would submit that on 03.12.2022, the *de facto* complainant has argued with the petitioner to separate from his parents and to live independently. When the petitioner refused to accept her demand, she left the matrimonial house stating that in 15 days, he shall arrange a separate home, failing which, she would file a complaint against him and his family members. On 04.01.2023, the petitioner received a phone call from

Head Constable of P.S. Parigi and he asked him to come to the Police Station, along with his mother and immediately, the *de facto* complainant and his mother, went to the Parigi P.S., where the Constables forced him to sign on a document and thereafter, the petitioner has taken *de facto* complainant along with him. However, the *de facto* complainant left his house at 11.05 P.M. in the night without informing anyone and immediately, he has informed the same to Vikarabad and Parigi Police Stations. Learned counsel further submitted that the petitioner has submitted a representation, dated 06.01.2023 to the Superintendent of Police to provide CCTV footage of Parigi P.S. between 04.30 P.M. to 09.30 P.M. and take appropriate action against the officials of Parigi P.S. Aggrieved by the action of Superintendent of Police in not taking any action against the Police of P.S. Parigi, the petitioner has filed W.P.No.1164 of 2023 before this Court and the same was disposed of on 20.01.2023 by this Court, by recording the written instructions submitted by the learned Assistant Government Pleader for Home. Learned counsel further submitted that under the compulsion from the Police officers, he was forced to write an undertaking, dated 14.01.2023 stating that he shall provide separate accommodation within a period of (15) days and he shall report to the Police officers on or before 31.03.2023. Questioning the

action of Police officers in forcibly taking the undertaking, the petitioner filed W.P.No.2512 of 2023 and this Court, *vide* order dated 31.01.2023, directed the said Police officers not to interfere in the matrimonial disputes. The *de facto* complainant has filed a maintenance case and also a criminal case against the petitioner for the offences under Sections 498-A and 506 of IPC and Sections 3 and 4 of D.P. Act and the Police filed charge sheet before the concerned Court without investigating the case properly. Learned counsel further submitted that the alleged incident had not at all taken place and though the petitioner and *de facto* complainant are living separately, only with an intention to harass the petitioner, the *de facto* complainant has foisted the present complaint against the petitioner with all false allegations. Hence, prayed for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that specific allegations are levelled against the petitioner. He further submitted that investigation is in progress and if the petitioner is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. As per the complaint filed by the *de facto* complainant, she stated that the petitioner had beat her and also tried to kill her by attacking with a knife and helmet. However, in support of the same, medical certificate is filed to show the injuries suffered by her. A perusal of the medical certificate reveals that the injuries suffered by the victim are 'simple in nature'. There are disputes between the parties since the year, 2023 and the *de facto* complainant has already filed a criminal case against the petitioner and also a maintenance case and in the said cases, they have compromised and they were living separately. In view of the long pending matrimonial disputes between the parties and as the injuries suffered by the victim are 'simple in nature', this Court is of the considered opinion that it is a fit case to enlarge the petitioner on anticipatory bail.

7. Accordingly, this Criminal Petition is allowed and the petitioner/accused No.1 is granted anticipatory bail subject to the following conditions:

- i. The petitioner/accused No.1 shall surrender before the Station House Officer, P.S. Amangal, Cyberabad District, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner/accused No.1 on bail on executing a

personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.

K. SUJANA, J

Date: 14.11.2024
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