

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12975 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioners/accused Nos.1 to 7 seeking anticipatory bail in the event of their arrest in connection with F.I.R No.226 of 2023 on the file of the Khanapur Police Station, Nirmal District, registered for the offences punishable under Sections 307, 498-A, 448, 323, 294-B, 506 r/w 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

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

3. The wife of petitioner No.1 filed a complaint on 25.12.2023 alleging that she was married to accused No.1 on 15.11.2017. At the time of marriage, dowry was given. Thereafter, the husband and other in-laws were abusing her and harassed her. On 17.11.2023, accused Nos.1, 2, 3 and others went into the de facto complainant's house and threatened her. Further, accused No.1 tried to tighten the chunni around the neck of his wife, for the said reason, a complaint was filed.

4. Learned counsel for the petitioners would submit that accused No.1 filed a Writ Petition i.e. W.P.No.34406 of 2023 aggrieved by the action of the police in harassing him by calling him to the Police Station, Khanapur. This Court by order dated 21.12.2023 directed the police to follow the procedure prescribed under Section 41-A of Cr.P.C and also the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar vs. State of Bihar***¹. Pursuant to the said order, the complaint was filed with false allegation of trying to kill the wife of accused No.1 on 17.11.2023.

5. It is apparent that there are disputes in between the spouses i.e. accused No.1 and his wife. The complaint on 25.12.2023 is the outcome after the orders are passed by this Court in W.P.No.34406 of 2023 directing the police to follow the procedure under Section 41-A Cr.P.C. The alleged incident as alleged in the complaint is on 17.11.2023. There is no reason as to why no complaint was lodged at that point of time when the alleged incident had taken place. The complaint was filed with a delay of nearly (40) days. In the said circumstances, this Court deems it appropriate to grant relief of anticipatory bail to the petitioners, subject to the following conditions:

- 1) The petitioner/accused No.1 is directed to surrender before the Station House Officer, PS, Khanapur Nirmal District, on or before 10.01.2024. Upon

¹ (2014) 8 SCC 273

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.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to his satisfaction. In so far as petitioner Nos.2 to 7/accused Nos.2 to 7 are concerned, in the event of their arrest, they shall be released on bail on their executing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to his satisfaction.

- 2) On such release, the petitioner No.1/accused No.1 shall appear before the concerned Station House Officer on every Monday at 10am for a period of four (04) weeks and thereafter, as and when required for the purpose of investigation. Petitioner Nos.2 to 7/accused Nos.2 to 7 shall appear as and when required for the purpose of investigation.
- 3) The petitioners/accused Nos.1 to 7 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.

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

K.SURENDER, J

Date : 03.01.2024
gvl/ktm

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Dt.03.01.2024

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