

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14571 of 2024

ORDER :

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused No.1 in Crime No.319 of 2023 of Gadwal Town Police Station, Jogulamba Gadwal.

2. The bring facts of the case is that respondent No.2/de facto complainant lodged a complaint against the petitioner and other accused stating that she married accused No.1 on 14.12.2022, and 51 thulas of gold and 3 kg of silver was presented by her parents as dowry. Initially, they lived harmoniously for two months, but later accused Nos.2 to 4 began to harass her claiming that her parents provided insufficient dowry and also restricted her communication with her family. It is further stated that accused No.1 pressurized her to take insurance on her plot, mentioning himself as nominee, and later demanded her to sell the plot to fund his needs. Thereafter, when she was conceived and fell sick, accused Nos.1 to 4 did not take care of her and after a while they got the child aborted, due to which she suffered

back pain and requested a separate residence, but her husband insisted her to pay rent using the money of her parents. On 08.11.2023, accused No.1 had physically and verbally abused her, leading her to leave the house of her in-laws, where her certificates, 51 thulas of gold, and 3 kg of silver remained. Basing on the said complaint, the Police registered a case in Crime No.319 of 2023, for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of DP Act.

3. Heard Sri Krishna Sumanth, learned counsel for petitioner/accused No.1 and Sri Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent No.1-State.

4. Learned counsel for the petitioner would submit that the petitioner and his family members have filed vide Crl.P.Nos.347 of and 553 of 2024 before this Court to quash the proceedings against them and the same was allowed except for the petitioner as the allegations being omnibus, vague, baseless for the other accused. He further submitted that the petitioner has filed vide Crl.P.No.452 of 2024 for seeking anticipatory bail and the same was disposed of by this Court directing the Investigating Officer to follow the

procedure laid down under Section 41-A Cr.P.C (presently, Section 35(3) of BNSS) and same was not complied by the Investigating Officer. Hence, prayed for grant of anticipatory bail.

5. Learned Additional Public Prosecutor has opposed the grant of anticipatory bail stating that specific allegations are levelled against accused No.1. He further submitted that investigation in the case is in progress and petitioner is not available to serve the notice under Section 41-A of Cr.P.C.

6. After considering submissions from both the parties and material available on record, it appears that there are matrimonial disputes between the parties and, all witnesses were examined and material part of the investigation is also completed, this Court is deems it fit to grant the relief of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the
Station House Officer of P.S. Gadwal
TN, Jogulamba Gadwal, within two

weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 06.12.2024
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Dated:06.12.2024

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