

HON'BLE SRI JUSTICE SUBBA REDDY SATTI

CRIMINAL PETITION No.4200 OF 2022

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C."), is filed by the petitioners/accused for grant of anticipatory bail in the event of their arrest in connection with Crime No.42 of 2022 on the file of Nandyal I Town Police Station, Kurnool District, registered for the offences punishable under Sections 307 and 498-A R/w.34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'DP Act').

2. The case of the prosecution, in brief, is that the marriage of the petitioner with the de-facto complainant was performed on 31.05.2016. At the time of marriage, the parents of the complainant gave 20 tulas of gold and also Rs.5,00,00/- cash towards dowry. The complainant further pleads that from the date of her marriage, first petitioner along with his parents, brothers-in-law and sisters-in-law started harassing the complainant to bring additional dowry. The husband of the complainant left to Saudi Arabia after marriage and when he came down to India in 2018, he tried to kill the de-facto complainant. Again the first petitioner, husband of the complainant, left to Saudi Arabia in December, 2020 and came down to India but did not visit the house of the complainant. The complainant approached I Town Police Station, Nandyal and Police conducted counseling. On 03.03.2022 at 08:00 a.m. when the de-facto complainant was

going to School, all the accused beat the complainant; as a result of which, the complainant fell down and they tried to kill the complainant by strangulating her neck with scarf. One Arun, who is present at the scene of offence, rescued her and all the accused ran away from there. She suffered illness and after discussing with her paternal uncle, the de-facto complainant gave the complaint on 26.03.2022. Basing on which the Police registered the case in Crime No.42 of 2022 for the aforesaid offences.

3. Heard Sri P. Nagendra Reddy, learned counsel for the petitioners/accused, and Sri Soora Venkata Sainath, learned Special Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners would submit that the petitioners are falsely implicated in the above Crime. Going by the averments made in the complaint, at the most, Section 498-A R/w.34 of IPC and Sections 3 and 4 of the DP Act may only attract against the petitioners but not Section 307 of IPC. Learned counsel further submits that the de-facto complainant did not submit herself to any medical examination and as such no wound certificate is produced showing the injuries sustained by her. Because of the family disputes, all the family members of the first petitioner were roped in and thus prayed to grant anticipatory bail to the petitioners.

5. Learned Special Assistant Public Prosecutor opposed the bail application. Learned Assistant Public Prosecutor further submits that the investigation is going on and the act of the petitioners in trying to do away with the life of the de-facto complainant would

attract Section 307 IPC and the petitioners are not entitled for pre-arrest bail.

6. A perusal of the complaint discerns that the marriage between the first petitioner and the complainant took place on 31.05.2016. The de-facto complainant lived in the house of her in-laws for one and half year. Her husband, first petitioner, went to Saudi Arabia. The de-facto complainant narrated that she met harassment on 31.05.2018. It seems again husband of the de-facto complainant went to Saudi Arabia and came down to India in the year 2021. In view of attitude of A1, she approached I Town Police Station, Nandyal and counseling was conducted. According to the de-facto complainant, the alleged incident took place on 08.03.2022. However, she lodged the complaint on 26.03.2022. Nothing was produced by the prosecution with regard to the injuries sustained by the de-facto complainant.

7. Considering the facts and circumstances of the case and in view of the disputes between the first petitioner and de-facto complainant, all the family members of the first petitioner are being roped in, this Court deems it appropriate to grant pre-arrest bail to the petitioners.

8. Accordingly, this Criminal Petition is allowed. The petitioners/accused shall be released on bail in the event of their arrest in connection with Crime No.42 of 2022 of Nandyal I Town Police Station, Kurnool District on condition of each of them furnishing self bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of

the Station House Officer, Nandyal I Town Police Station, Kurnool District. Further, the petitioners shall cooperate with investigation and shall not tamper the evidence or influence the witnesses. Further, the first petitioner (A1) shall appear before the Station House Officer, Nandyal I Town Police Station, Kurnool District twice in a week *i.e.*, on every Monday and Thursday between 09:00 a.m. to 12:00 a.m. for a period of one month.

9. Consequently, miscellaneous applications pending, if any, shall stand closed.

Date :28.06.2022
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