

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

FRIDAY, THE THIRTIETH DAY OF AUGUST,
TWO THOUSAND AND THIRTEEN
PRESENT
THE HON'BLE SRI JUSTICE **B. CHANDRA KUMAR**

CRL.P.No. 9075 of 2013

Between:

- 1 Endloori Mahesh Kumar S/o. E. Sundara Raja,
- 2 E. Sundara Raja S/o. Late E. Gurappa Naidu, ,
- 3 E. Suvarna Kumari W/o. E. Sundar Raja,
- 4 E. Kavitha W/o. E. Mahesh Kumar

Petitioner/Accused Nos.1 to 4

AND

The State of Andhra Pradesh, rep. by Sub Inspector of Police,
Narasaraopeta Police Station, Narasaraopeta, Guntur District,
through Public Prosecutor, High Court of A.P., Hyderabad.

Respondent / Complainant

COUNSEL FOR THE PETITIONERS: M/S. BHARADWAJ
ASSOCIATIES

COUNSEL FOR THE RESPONDENT: THE PUBLIC
PROSECUTOR

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant anticipatory bail to the petitioners in the event of their arrest in connection with the investigation, enquiry and trial of FIR No 148 of 2013 on the file of the Sub Inspector of Police, Narasaraopeta Rural Police Station, Narasaraopeta, Guntur District on such terms and conditions.

The Court made the following 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 Nos.1 to 4 for grant of anticipatory bail in Crime No.148 of 2013 on the file of Narasaraopeta Rural Police Station, Narasaraopeta, Guntur District, registered against them for the offences punishable under Sections 498-A and 494 of the Indian Penal Code (for short 'IPC').

2. The petitioners are accused in the aforesaid crime. Petitioner No.1 is the son of petitioner Nos.2 and 3 and is said to be the husband of petitioner No.4.

3. It is the case of the *de facto* complainant - Manukonda Anitha Kiranmai that herself and the 1st petitioner are working in the same organization; that out of their acquaintance, they fell in love; that they agreed to marry; that at the time of marriage, as per the wishes of the parents of petitioner No.1 i.e., petitioner Nos.2 and 3, her parents paid a cash of Rs.15.00 lakhs as dowry

and presented the gold ornaments worth of 100 sovereigns. It is also alleged that after some time of the marriage, the 1st petitioner used to harass her to bring additional dowry of Rs.5.00 lakhs, and petitioner Nos.2 and 3 also harassed her and demanding her to bring additional dowry. It is further alleged that petitioner No.4 is said to be the wife of petitioner No.1 whom he married prior to her marriage.

4. As seen from the averments of the complaint, the *de facto* complainant came to know recently about the solemnization of marriage between petitioner Nos.1 and 4 six years ago, and thus she was cheated by the petitioners.

5. Learned counsel for the petitioners has submitted that since the contents of the complaint itself would go to show that the marriage of petitioner No.1 with petitioner No.4 was solemnized six years prior to the marriage of the *de facto* complainant with petitioner No.1, the offence punishable under Section 494 IPC does not attract; and Section 495 IPC is the relevant provision. He further submitted that there are no specific allegations levelled against petitioner Nos.3 and 4 in the complaint. As far as petitioner Nos.2 and 3 are concerned, the witnesses have stated that they have demanded dowry at the time of marriage and collected amount from the parents of the *de facto* complainant. It appears that there are specific allegations against petitioner Nos.1 and 2, as such, they are not entitled for anticipatory bail. However, as petitioner Nos.3 and 4 are women, I am inclined to grant bail to them.

6. Accordingly, the Criminal Petition is allowed in so far as petitioner Nos.3 and 4 are concerned while dismissing the same against petitioner Nos.1 and 2. Petitioner Nos.3 and 4 - accused are directed to surrender before the Station House Officer, Narasaraopet Rural Police Station, Narasaraopet, Guntur District, within two (02) weeks from today, and, on such surrender, it is directed that they shall be released on bail on their executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum each to the satisfaction of the same Station House Officer."

SD/- P.V. SURYANARAYANA
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The 1st Additional Junior Civil Judge Court, Narasaraopeta, Guntur District.
2. The Station House Officer, Narasaraopeta Rural Police Station, Narasaraopeta, Guntur District
3. Two CCs to Public Prosecutor, High Court of A.P., Hyderabad. (OUT)
4. One CC to Ms. Bharadwaj Associates, Advocate (OPUC)
5. One Spare copy

KK

HIGH COURT

BCKJ

DT. 30-8-2013

BAIL ORDER

CRL.P.NO.9075 OF 2013

DIRECTION

Drafted by: KK
Drafted on: 31-8-2013

HIGH COURT

BCKJ

DT. 30-8-2013

BAIL ORDER

CRL.P.NO. 9075 OF 2013

DIRECTION