

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5591 OF 2024

ORDER: (ORAL)

This petition is filed, under Section 438 of the Criminal Procedure Code, seeking grant of anticipatory bail to the petitioner-accused No.1 in Crime No.62 of 2024 registered on 29.01.2024 with Kamareddy Town Police Station for the offences under Sections 498-A, 313 and 342 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for respondent No.1-State and perused the material available on record.

3. Learned counsel for the petitioner submitted that the subject crime was registered on the complaint lodged by the wife of the petitioner/accused No.1 on 29.01.2024 stating that she got second marriage with the petitioner on 02.12.2020. The *de facto* complainant already had a daughter from her first marriage and her parents presented 30 *tolas* of gold and marriage expenses to the

petitioner. The petitioner also has a daughter and a son from his first wife. That after marriage, the petitioner started harassing the *de facto* complainant and insisted that she should not go out of the house and should not talk to anyone. The petitioner used to listen to the words of his first wife's children. The petitioner used the *de facto* complainant as a cook and for his physical needs and when she questioned him, he beat her and necked her out of the house. The same was repeated three to four times. After fifteen (15) days, she came to her parents' house and convinced them and her parents took her to Kamareddy again. The petitioner attended functions and temples along with his first wife's children and confined the *de facto* complainant and her daughter in the house. The petitioner used to come to the house in drunken condition and abused the *de facto* complainant in filthy language. The caste elders conducted panchayats and convinced the petitioner. The petitioner was also not willing to register their marriage. The petitioner suspected the *de facto* complainant and checked her mobile phone many times. When the *de facto* complainant had a fracture on her leg, the petitioner did not take her to the hospital for four days and

with the help of her father, the *de facto* complainant took treatment. After thirty days, when she called the petitioner, the petitioner abused her in filthy language. That after three months of marriage, the *de facto* complainant became pregnant and without her consent, the petitioner got her pregnancy aborted. The petitioner did not pay her daughter's school fee and did not take responsibility of her daughter and about four (4) months before lodging the complaint, the petitioner harassed her, beat her and necked her out of the house.

4. According to learned counsel for the petitioner, Sections 313 and 342 I.P.C. are not attracted in the instant case. Learned counsel referred to paragraph No.7 of the order, dated 17.05.2024, in Crl.M.P.No.160 of 2024 in Crime No.62 of 2024 passed by the learned Principal District and Sessions Judge, Kamareddy, wherein, it is observed that the CD file produced by the police shows that the pregnancy of the *de facto* complainant was aborted on 06.04.2021 in J.S. Clinic, Vanasthalipuram, Hyderabad and that the relevant documents have to be collected by the Investigating Officer from the hospital to know whether the said miscarriage had

taken place with the consent of the *de facto* complainant or at the instance of the petitioner and that the investigation is at the budding stage.

5. Taking into consideration the inordinate delay in lodging the complaint, the pregnancy of the *de facto* complainant being got aborted on 06.04.2021 and the allegations regarding wrongful confinement under Section 342 I.P.C. being vague and general in nature, this Court is inclined to grant anticipatory bail to the petitioner-accused No.1.

6. Hence, the Criminal Petition is allowed and the petitioner-accused No.1 is directed to surrender before the Station House Officer, Kamareddy Town Police Station, Kamareddy, within 15 days from today. On such surrender, the petitioner shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner shall abide by the following conditions:

1. The petitioner shall make himself available for investigation as and when required by the police officer.
2. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
3. The petitioner shall not leave India without prior permission of the Court.

As a sequel, miscellaneous applications, if any, pending shall stand closed.

B. VIJAYSEN REDDY, J

May 30, 2024.
RRK/MD