

# Sri Sharwari Alagharu vs State Of Andhra Pradesh By on 3 April, 2014

**Author: R.B Budihal**

**Bench: R.B Budihal.**

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IN THE HIGH COURT OF KARNATAKA AT  
BANGALORE

DATED THIS THE 03RD DAY OF APRIL 2014

BEFORE

THE HON'BLE MR. JUSTICE BUDIHAL. R.B

CRIMINAL PETITION NO.1322/2014

BETWEEN:

Smt. Sharwari Alagharu,  
W/o. Sri. Pramod Alagharu,  
Aged about 42 years,  
Residing at: Flat No.B106,  
Ittina Abby Apartment,  
8th Main, 7th Cross,  
L.B. Shastry Nagar,  
Near HAL Market,  
Vimanapura Post,  
Bangalore-560 017.

.. PETITIONER

(By Mrs. Akhila. H.K., Adv. for  
Sri. Diwakara. K, Adv.)

AND:

1. State of Andhra Pradesh by  
WPS, C.C.S.,  
Hyderabad-500 084.

2. State of Karnataka  
Rep. by State Public Prosecutor,  
High Court Building,  
Bangalore-560 001.

.. RESPONDENTS

(By Sri. K. Nageshwarappa, HCGP)

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This Criminal Petition is filed under Section 438 of the Cr.P.C. praying to enlarge the petitioner on bail in the event of her arrest in Cr. No.506/2013 of 1st respondent P.S., for the offence P/U/S 498A, 406, 354A, B, C and D, 201 of IPC and Sections 4 and 6 of D.P. Act.

This Criminal Petition coming on for orders this day, the Court made the following:

#### ORDER

This petition is filed by petitioner-accused No.5 under Section 438 of Cr.P.C. seeking anticipatory bail to direct the respondent-police to release the petitioner on bail in the event of her arrest for the alleged offences punishable under Sections 498A, 406, 354(a), (b) and

(c), 201 of IPC and also under Sections 4 and 6 of the Dowry Prohibition Act registered in respondent No.1- police station Crime No.506/2013.

2. Brief facts of the prosecution case are that the WPS, C.C.S., Hyderabad, have received the complaint from one Smt.Leburi Venkata Ragha Sindhoora, W/o Sesham Naga Sai Vasishta, a resident of Anjana residency, Sri Ramanagar Colony, Kondapur, Hyderabad alleging that she got married to Mr.Shesham Naga Sai Vasishta on 14.2.2013 at Chiran Fort, Begumpet, Secunderabad and it was an arranged marriage through Telugu matrimony. At the time of marriage her in-laws demanded dowry of Rs.1 crore, but the mother of the complainant gave Rs.50,00,000/- as dowry and also an amount of Rs.9 lakhs towards Adapadeachu Katnam and also given gold jewelry and other articles worth more than a crore and immediately after marriage petitioner and his family members started harassing the complainant for additional dowry. As the parents of the complainant failed to comply their illegal demand, the complainant was necked out from the house of the accused and even marriage also was not consummated for non-complying of their illegal demand and since there was no other alternative the complainant approached the police and filed the complaint. On the basis of the said complaint, police have registered the case in Crime No.506/2013 for the alleged offences.

3. Heard the arguments of the learned counsel for the petitioner-accused No.5 and also the learned Government Pleader appearing for the respondent-State.

4. Learned counsel for the petitioner during the course of his arguments has submitted that though the crime is registered at Hyderabad, since the petitioner is residing at Bangalore, for the purpose of transitory bail petitioner can maintain the bail petition before this Court. In support of her contention she has also produced a document regarding the residence of petitioner at Bangalore. It is further submitted that false allegations are made against the petitioner and against other accused persons and they have been falsely implicated in the case. No demand was made for the dowry amount from the complainant nor they have driven out the complainant from their house. It is also

submitted that other accused persons applied for bail before the Court at Hyderabad under Section 439 of Cr.P.C. and the Court by order dated 23.1.2014 has granted regular bail to accused No.1, copy of the said bail order is also produced in the case. Hence, she has submitted that as the petitioner is having the apprehension of arrest at the hands of respondent No.1/police at Karnataka, till filing of the bail petition before the Court at Hyderabad she may be granted with anticipatory bail.

5. As against this, learned Government Pleader during the course of his arguments has submitted that petitioner has approached this Court directly and hence, the bail petition is not maintainable. It is further submitted that serious allegations are made with reference to the ill-treatment given to the complainant in connection with payment of dowry and it is the case of the complainant that because of the dowry amount she has been harassed and sent out of her house. Accordingly, it is submitted that petitioner is not entitled to be granted with bail.

6. I have perused the averments made in the bail petition and the order passed in the Court at Hyderabad in respect of accused No.1, the husband of the complainant and other materials placed on record.

7. Petitioner has made out a case of apprehension of her arrest at the hands of the 1st respondent-police. The offences alleged against the petitioner has been denied in the bail petition contending that she has been falsely implicated in the case. The alleged offences are also not exclusively punishable with death or imprisonment for life and the present petition is filed as a transitory bail petition till filing of the petition before the concerned jurisdictional Court at Hyderabad. Looking to these materials on record, I am of the opinion that petitioner can be admitted to transitory bail for a limited period by imposing reasonable conditions.

8. Accordingly, petition is allowed. The 1st respondent-police are directed to release the petitioner-accused No.5 on bail in the event of her arrest for the alleged offences punishable under Sections 498A, 406, 354(a), (b) and (c), 201 of IPC and also under Sections 4 and 6 of the Dowry Prohibition Act registered in respondent No.1-police station Crime No.506/2013, subject to the following conditions:

(i) Petitioner shall execute a personal bond for Rs.25,000/- and furnish one surety for the like sum to the satisfaction of the arresting authority.

(ii) This bail order will be in force only for a limited period of 30 days from the date of this order within which time, the petitioner has to approach the jurisdictional Court at Hyderabad.

Sd/-

JUDGE bkp