

APHC010228802026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 3543/2026

Between:

1. MOHAMMED ZIA, AGED 30 YEARS, C/O. HAFIZ ABDUL KHYOOM TAHIR, JAMIA STAFF QUARTERS, NEAR MOHAMMEDIA, PRIMARY SCHOOL, OOMERABAD, AMBUR, TIRUPATTUR, TAMIL NADU - 635808
2. HAFIZ ABDUL KHYOOM TAHIR, A2C/O. SYED MAHMOOD, JAMIA STAFF QUARTERS, NEAR MOHAIRIMEDIA, PRIMARY SCHOOL, OOMERABAD, AMBUR, TIRUPATTUR, TAMIL NADU - 635808

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati, Through the Station House Officer, Mahila UPS, Eluru.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused No.1 & 2 on bail in the event of their arrest in connection with Crime No.119 of 2025 on the file of Mahila PS, Eluru

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the

High Court may be pleased may be pleased to direct the respondent police not to arrest the petitioners herein / Accused No.1 &2 in connection with Crime No.119 of 2025 on the file of Mahila UPS, Eluru

Counsel for the Petitioner/accused(S):

1.PANGI RAJU BABU

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 3543/2026****ORDER:**

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the petitioner/Accused Nos.1 and 2 for granting of pre-arrest bail in connection with Crime No.119 of 2025 on the file of Mahila UPS, Eluru District, registered for the alleged offence punishable under Sections 85, 316 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. The case of the prosecution in brief is that, this pertains to subjecting a woman to cruelty by her husband and parents-in-law, which occurred prior to 16.12.2025 at Omerabad, Tirupattur, Tamilnadu State, and was reported on 16.12.2025 at 5.30 p.m. The complainant stated that she married accused No.1 on 12.06.2022. Prior to the wedding, as per the demands of accused Nos.1 to 3, dowry and other presentations were given. After the wedding, the complainant was sent to her matrimonial home. During her conjugal life, her husband, i.e., accused No.1, and her parents-in-law, i.e., accused Nos.2 and 3, subjected her to both physical and mental harassment and demanded additional dowry on account of the birth of female children. Despite the intervention of elders and the provision of additional dowry, accused Nos.1 to 3 did not mend their ways and forced her to remain in her natal home. The accused stated that they would permit

her to resume conjugal life only upon fulfillment of their demand for further dowry for the upbringing of their female children.

3. Heard Mr.G.Naga Satyanarayana, the learned counsel for the petitioners and Mrs.K.Priyanaka Lakshmi, learned Assistant Public Prosecutor for the State. Perused the record.

4. The learned counsel for the petitioners contends that the petitioners/accused Nos.1 and 2 are innocent and his wife filed false complaint against him and his parents. The crime registered against the petitioners and other accused is punishable with imprisonment for less than seven years. In the light of the foregoing submissions, learned counsel prays that the present petition be allowed in the interest of justice.

5. On the other hand, the learned Assistant Public Prosecutor submits that investigation has been completed and charge sheet was filed on 10.02.2026. The case is now taken cognizance as C.C. No.125 of 2026 on the file of the Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Eluru, and is resently posted for appearance of the accused.

6. Having considered the submissions made on both sides and on perusal of the record, it is evident that the charge sheet has already been filed and the matter is now pending trial before the competent Magistrate. At this stage, the relief of pre-arrest bail under Section 482 BNSS is not

warranted. The petitioners are at liberty to appear before the trial Court and seek appropriate relief in accordance with law.

Accordingly, the Criminal Petition is dismissed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:28.04.2026
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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dt.28.04.2026

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