

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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CRIMINAL PETITION No.6382 of 2015

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Between:

Mallem Yona & another

.. Petitioner/ accused Nos.3 & 4

And

State of Telangana,

rep. by its Public Prosecutor,

High Court, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 20-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6382 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.3 & 4 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.315 of 2014 of Malkajgiri Police Station, Cyberabad registered for the offence punishable under Section 304-B IPC against five accused, accused Nos.3 is no other than cousin of accused No.1 and accused No.4 is wife of accused No.3.

2) Heard learned counsel for the petitioners/ accused Nos.3 & 4 and learned public prosecutor representing the 1st respondent—State before admission and before ordering notice to the 2nd respondent—de facto complainant. Perused the material on record.

3) A perusal of the FIR outcome of report of de facto complainant no other than father of deceased dated 13.06.2014 shows the unnatural death of deceased on that day and it is within seven years after the marriage dated 13.11.2013 between the deceased and the 1st accused.

4) It is the contention of the learned counsel for the petitioners that there is no ingredients to attract the offence under Sections 304 B IPC read with 113-B of Evidence Act and there is nothing to show that accused Nos.2 to 5 are responsible for the unnatural death of the deceased. A perusal of the FIR allegations show that after three months of the marriage, for additional dowry

besides accused No.1, his mother Mariyamma—accused No.2, cousin and cousin’s wife were harassing her and accused Nos.3 and 4 were also confined her in the house and obstructed her by seizing the gold ornaments. No doubt it is the submission by the counsel for petitioners that at best even that allegation has taken into consideration, it attracts only the offence under Section 498-A or 323 or 347 IPC.

5) A perusal of the above material clearly shows as is evident from the material evidence under Section 304–B IPC is no way attracts so far the petitioners herein/ accused Nos.3 & 4 are concerned. Needless to say accused No.4 was already granted regular bail.

6) Having regard to the above, Accused No.3 is entitled to concession of regular bail. Thereby, the material falls short to admit the application filed under Section 482 Cr.P.C, the same is disposed of giving liberty to petitioner/ accused No.3 to surrender himself before the learned Magistrate concerned and move for regular bail with notice to Assistant public prosecutor concerned, in such an event the learned Magistrate shall grant bail on the same day with necessary conditions. Needless to say at the post bail stage, the learned Magistrate may dispense with his presence. It is further needless to say any further remedy is left open to him after police filing final report and taken cognizance by the learned Magistrate if any.

7) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.20.07.2015

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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