

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 345 of 2015

ORDER:

The petitioner, who is accused No.1, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.62 of 2014 of Women Police Station, Kurnool, registered for the offences punishable under Sections 498-A and 506 IPC and Section 4 of the Dowry Prohibition Act, 1961.

The case of the prosecution is that the marriage of the informant with the petitioner took place on 08.07.2010 as per Muslim rites and customs. At the time of marriage, cash of Rs.2,00,000/- and 19 tolas of gold apart from other household articles were given as dowry by the parents of the informant. After marriage, the informant joined the petitioner at Nandikotkur and lead a happy marital life for a period of six months. There after, the petitioner along with other accused is alleged to have harassed the informant physically and mentally for additional dowry. It is further stated that all the accused are alleged to have threatened the informant of performing a second marriage to the petitioner, if she fails to bring additional dowry. It is further stated that on 07.12.2014 accused Nos.1 to 7 are alleged to have lit the gas stove and forcibly thrown the informant on to the stove with an intention to do away with her life. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true no offence is made out against the petitioner. He submits that when accused No.1 executed a gift deed in favour of the minor son of the informant on 15.09.2014 with the informant as a guardian, the question of harassing the informant for

additional dowry and making an attempt to kill her would not arise.

Learned Public Prosecutor opposed the application.

A perusal of the statement of LW.6, who is neighbour and co-sister of the informant clearly discloses the nature of harassment meted out to the informant in the hands of the accused. It is specifically stated by LW.6 that on 07.12.2014 while the informant came out of the house she noticed the saree of the informant in flames. Immediately LW.6 came to the rescue of the informant and when enquired as to what happened, the informant disclosed the manner in which an attempt is made by all the accused to kill her. The statement of LW.6, who could be treated as an eye witness would show the nature of harassment meted out to the informant and the manner in which petitioner along with other accused attempted to kill her. Having regard to the nature of allegations made, I am not inclined to grant anticipatory bail to the petitioner as the offences alleged are heinous and grave in nature.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, shall surrender before the Court and file an application for bail after giving notice to Public Prosecutor, in which event, the same shall be dealt with, in accordance with law, either on the same day or at least by next day.

C. PRAVEEN KUMAR, J

04.02.2015

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