

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12905 of 2016

ORDER :

1) The petitioners, who are accused Nos.4 and 5, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.96 of 2016 of Narsapur Police Station, Medak District, registered for the offences punishable under Sections 304-B and 109 IPC.

2) The averments in the First Information Report would show that the marriage of accused No.1 with the deceased took place four years prior to the date of incident. Accused No.2 is the mother-in-law, accused No.3 is the father-in-law and the petitioners, who are accused Nos.4 and 5 are sisters-in-law of the deceased. At the time of marriage the parents of the deceased gave cash of Rs.5.00 lakhs and 10 ½ tolas of gold apart from other household articles. Both accused No.1 and deceased lived happily for a period of three years and they blessed with one daughter. Thereafter, all the accused are alleged to have harassed the deceased for additional dowry of Rs.3.00 lakhs to purchase an auto. In this regard, LWs.7 and 8 went to the house of accused and requested them not to harass the deceased, but they never changed their attitude. The averments in the report further show that all the five accused are alleged to have harassed the deceased and on the instigation of other accused, accused No.1 is alleged to have taken the deceased to the back side of rice mill situated in the agricultural fields and killed her by strangulating her with kerchief and then took away gold pustela thadu from the neck of the deceased. Basing on these allegations the above case came to be registered.

3) Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the respondent-State.

4) Learned counsel for the petitioners mainly submits that the allegations in the report are mainly directed against accused No.1 and in the absence of any specific allegations being made against the petitioners with regard to alleged acts of harassment, their request may be considered.

5) Learned Public Prosecutor opposed the same. He submits that accused Nos.1 to 3 are already arrested and accused Nos.2 and 3 are also released on bail.

6) A perusal of the material on record would show that petitioners are sisters-in-law of the deceased. It is to be noted that no specific allegations of harassment are alleged against the petitioners except an omnibus allegations stating that all the accused harassed the deceased for additional dowry and also abetted accused No.1 to kill the deceased. Since accused Nos.2 and 3 were already released on bail and as the petitioners stand on same footing, the petitioners, if so, advised, shall surrender before the Court concerned and make an application for regular bail, in which event, the same shall be considered on the same day in accordance with law.

7) With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

06.09.2016
gkv