

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
CRIMINAL PETITION No.10234_OF 2016
-

ORDER:

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

2. The present Criminal Petition came to be filed by the petitioner/Accused under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.134 of 2016 of I Town Police Station, Eluru, registered for the offences punishable under Sections 498-A and 306 IPC.

3. The case of the prosecution is that the marriage of the daughter of the informant by name Vijaya Durga with the accused was performed about six years prior to lodging of the report. At the time of marriage, the informant gave some cash and gold ornaments towards dowry. From the date of marriage, the accused used to harass his daughter both physically and mentally and beat her. On demand, the informant also gave an amount of Rs.3,00,000/-. It is alleged that on 24.06.2016 at about 3:00 P.M., the accused came to house in intoxicated state and beat her daughter. On the same day, at about 5:30 P.M., the daughter of the informant committed suicide by hanging to the fan with her chunni. Basing on these allegations, the present case came to be registered.

4. As seen from the averments in the First Information Report, marriage of the petitioner with the deceased took place about six years prior to the date of incident. Since the date of marriage, the

petitioner was harassing the deceased both physically and mentally and also demanded dowry. The averments in the report also disclose that the petitioner developed illicit intimacy with another woman and was harassing the deceased. On 24.06.2016 the petitioner beat the deceased and unable to bear the harassment, the deceased committed suicide. Since the incident took place within seven years of the marriage, presumption under Section 113A of the Indian Evidence Act, 1872 would come into operation.

5. Having regard to the nature of allegations levelled against the petitioner, I am not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:21.07.2016
INL