

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

[Special Original Jurisdiction]

FRIDAY THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND SIXTEEN

PRESENT

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 17051 OF 2016

Between:

Shri Sublal Singh ... Petitioner/Defacto complainant

V/s.

1. Thakur Jithender Singh, s/o Avedesh singh, age 30 years,
2. Thakur Avedesh Singh, s/o Thakur Raghu Bhadur, age 60 years,
3. Thakur Susheela Singh, w/o. Thakur Avedesh singh, age 55 years,
4. Thakur Priyanaka Singh, d/o Thakur Avedesh singh, age 23 years,
All are resident of H.No. 7-038/2, Subhash Nagar,
Near Little Star High School, IDA Jeedimetla,
Quthbullapur Mandal, Ranga Reddy district.

... Respondents/A-1 to A-4

5. The State of Telangana,
Represented by its Public Prosecutor [TG]
High Court of Judicature for the State
of Telangana & Andhra Pradesh,
Hyderabad.
Through the Station House Officer,
Jeedimetla Police Station,
Ranga Reddy district. Respondent/Complainant

Counsel for the Petitioner : Sri B. Chandrasen Reddy

Counsel for the Respondents : Addl. Public Prosecutor [TG]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CRIMINAL PETITION NO. 17051 OF 2016****ORDER :**

This Criminal Petition is filed by the petitioner/defacto complainant under section 439 [2] of Cr.P.C., seeking to cancel the anticipatory bail granted in favour of A-1 to A-4 by the IV-Additional Metropolitan Sessions Judge, Ranga Reddy district, vide orders dated 03/10/2016, passed in CrI.MP.No. 2318 of 2016.

2. Sri B. Vijaysen Reddy, learned counsel appearing on behalf of the petitioner/defacto complainant submits that the petitioner is the father of deceased Ms.Prathima singh, who filed written complaint on 27/8/2016 stating that the deceased got married to respondent No.1/A-1. On 17/8/2016 at about 11:30 hours, Prathima Singh called the petitioner over phone and informed that A-1 to A-4 demanding additional dowry of

Rs. 5 lakhs and Swift Desire car. Thus, they harassed, in spite of her daughter carrying two months pregnancy. Later at about 14:30 hours, the petitioner got informed by unknown person from unknown number that Prathima Singh died by committing suicide.

3. Learned counsel appearing on behalf of the petitioner submits that the marriage between the respondent No.1/A-1 and deceased was solemnised on 14/5/2015 and she died within seven years of marriage. Initially the case was registered under section 174 Cr.P.C. and thereafter on the basis of complaint lodged section of law was altered to under section 304-B of IPC. The complainant immediately taken the dead body the native place, as they are residing in Uttar Pradesh. At that point of time, they were tensed, therefore, could not made proper complaint. As per the complaint, there are very serious allegations against the respondents/A-1 to A-4,

however, the Sessions Judge without taking into consideration all the facts granted anticipatory bail to the respondents/A-1 to A-4, vide orders dated 03/10/2016.

4. Being aggrieved, the petitioner/defacto complainant filed CrI.MP.No. 2318 of 2016 before IV-Additional Metropolitan Sessions Judge, Ranga Reddy district for cancellation of anticipatory bail, however, the same was dismissed, vide orders dated 02/12/2016.

5. Heard the learned counsel appearing on behalf of the petitioner/defacto complainant and the learned Additional Public Prosecutor appearing on behalf of the State.

6. I have perused the orders impugned and found that the court below while granting anticipatory bail recorded that Crime No. 526 of 2016 initially was registered under section 174 Cr.P.C. and after ten days of the alleged incident the petitioner made allegations against the respondents/A-1 to A-4.

After perusing the CD file, the learned Sessions Judge thought it a fit case to grant anticipatory bail to the respondents/A-1 to A-4. Accordingly, vide orders dated 02/12/2016 passed in Crl.MP.No.231 of 2016, the learned Sessions Judge while dismissing the application for cancellation of bail observed that on 17/08/2016 the deceased committed suicide by hanging to the ceiling fan, upon which the Police initially registered case under section 174 Cr.P.C. Moreover, in the inquest held by the police, the petitioner and brother of deceased clearly stated that the deceased committed suicide on her own and no allegations were made against the respondents/A-1 to A-4. However, after ten days of the alleged incident, on the complaint lodged by the petitioner, who is the father of the deceased, section of law was altered from section 174 Cr.P.C. to 304-B of IPC.

7. The settled law is that granting of bail is the discretionary power of the Court in view of the facts and circumstances of each case. Bail can be cancelled if the accused tried to influence the witnesses, threaten the witnesses, violated any conditions imposed in the bail or likely to abscond from the jurisdiction of the Court. In the case in hand, none of the circumstances are established by the learned counsel for the petitioner/defacto complainant.

8. On perusal of the order, I am of the opinion that the learned Sessions Judge has rightly exercised inherent power in granting anticipatory bail to the respondents/A-1 to A-4 but not stifled the legitimate prosecution. However, at the same time no person be compelled to face criminal prosecution if basic ingredients of the offence alleged against the accused are altogether absent. Therefore, the reasons assigned by the learned Sessions Judge while dismissing the application for

cancellation of anticipatory bail can be termed as perverse so as to call for interference by this Court in this instant petition.

Thus, this criminal petition is sans merit.

9. Finding no merit in this criminal petition, the same is accordingly dismissed.

10. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.



JUSTICE SURESH KUMAR KAIT.

23/12/2016
I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 17051 OF 2016
(DISMISSED)



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