

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.333 OF 2017

ORDER:

This criminal petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail, apprehending their arrest in Crime No.03 of 2017 on the file of Women Police Station, Saroor Nagar, Rachakonda District, for the offences punishable under Sections 498-A, 506 I.P.C & Section 4 of Dowry Prohibition Act, in connection with the above crime.

The case of the prosecution in brief is that the defacto complainant/Mrs. Galee Bhagya Lakshmi and first petitioner/A-1 got married with mutual consent in Arya Samaj against the wish of petitioner's parents and lived at the house of the first petitioner for three months. Later, petitioners 2 & 3 started harassing the defacto complainant to bring Rs.15 lakhs as dowry and gold from her parents and subjected her to cruelty. Thereupon, when the defacto complainant informed the same to her husband i.e. first petitioner, he also supported the act of petitioners 2 & 3 and he pointed out that she did not bring dowry and that he married her because her parents possessed property. Thereafter, they shifted to Hyderabad.

The contention of the petitioners is that petitioners 2 & 3 are not connected with the above offences and they are falsely implicated, as the defacto complainant and the first petitioner are living at different place in Hyderabad, whereas, the third petitioner is a married woman residing at Arutla Village, Manchala Mandal, K.V. Rangareddy District and the second petitioner is a 64 year old woman living in Vankamamidi Village at Nalgonda District. Therefore, the petitioners sought for pre-arrest bail in connection with the above crime.

Learned counsel for the petitioners reiterated the contentions stated in the petition and stated that the general practice of roping the accused in an offence punishable under Section 498-A cannot be ruled out and if really, the petitioners 2 & 3 subjected the defacto complainant to harassment, she would have given the complaint immediately, but the defacto complainant took her own time and lodged complaint after shifting her residence to Hyderabad. But, this itself is not a ground to grant pre-arrest bail and that apart, the specific facts attributed to each of the petitioners are sufficient to conclude that they committed *prima facie* offence punishable under Section 498-A of I.P.C. It is contended that the first petitioner threatened the defacto complainant with dire consequences while beating her by raising TV sounds, so that the hue and cry raised by the defacto complainant may not be heard by others and such threatening with dire consequences *prima facie* amounts to an offence punishable under Section 506 I.P.C.

Demanding dowry by the first petitioner is an offence punishable under Section 4 of Dowry Prohibition Act *prima facie*. Therefore, I find *prima facie* case against the petitioners and consequently, it is not a fit case to grant pre-arrest bail to the petitioners.

In the result, the criminal petition is dismissed.

Consequently, miscellaneous petitions, if any, pending in this criminal petition, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:25.01.2017

SP