

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3983 OF 2017

ORDER:

The present petition is filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner for grant of anticipatory bail in the event of his arrest in Crime No.3 of 2017 of Tiruchanur Police Station, Tirupathi Urban District.

2. The petitioner is arraigned as accused No.2 and he alleged to have committed the offences punishable under Section 304-B IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Heard Sri D. Purna Chandra Reddy, learned counsel for the petitioner and learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioner pleads innocence and false implication of the petitioner. It is according to him that the petitioner herein is the elder brother of the husband of the deceased and he never lived together and, therefore, the question of the petitioner abetting the deceased to commit suicide or causing ill-treatment does not arise. Learned counsel would also submit that accused Nos.1 and 3 were arrested and only accused No.3 was granted regular bail, whereas, accused Nos.4 and 5 were granted anticipatory bail. It is according to him that the case of the petitioner herein stands on the same footing as that of accused Nos.4 and 5, and therefore, urges to grant anticipatory bail.

5. Learned Additional Public Prosecutor would resist the request of the petitioner submitting that the complaint allegations would clearly reflect that on 06.01.2017 at about 9.30 a.m. when the *de facto* complainant made a phone call to her younger sister i.e., the deceased, she conveyed birthday wishes to him and having noticed that she was not normal from her voice and when he enquired her, she stated that her husband and his brothers and sisters subjected her to harassment by increasing the degree, which she could not bear and further the deceased stated that by that evening she wants to come to his house and that at about 1.30 p.m., when he tried to contact her, she did not lift the phone and on suspicion, he sent his younger brother Hari, and his mother to the house of his sister and when they reached the house of the deceased at about 5.30 p.m., they found her dead and the same was informed by his mother on phone, on which he went to the house of the deceased and found that the body was lying on ground in the bedroom of the deceased and he noticed that she committed suicide by hanging to the fan and, therefore, he urges to dismiss the anticipatory bail.

6. Now the point that arises for consideration is whether the petitioner is entitled to anticipatory bail.

7. The petitioner has not chosen to file the F.I.R. and filed only the case diary. From the contents of the F.I.R., a copy of which is placed by the learned Additional Public Prosecutor, it is evident that what all submitted by the learned Assistant Public Prosecutor finds place in the

complaint. In the presence of such serious allegations as to subjecting the deceased to harassment even on the date of commission of suicide, as noticed by the *de facto* complainant, it is not a case where anticipatory bail can be granted to the petitioner at this stage. The fact that accused Nos.4 and 5 were granted anticipatory bail by the learned Special Sessions Judge-IV-Additional District Judge, Tirupati, is no ground to grant anticipatory bail to the petitioner.

8. Accordingly, the criminal petition is dismissed.

9. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

13th July 2017

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A. SHANKAR NARAYANA, J

