

CRIMINAL PETITION NO.2988 OF 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioners/A-2 and A-3 on pre-arrest bail since they are apprehending arrest in connection with Crime No.25 of 2017 of Police Station, Ghanpur Mulugu, Warangal District, registered for the offences punishable under Sections 498-A, 306 read with 34 of IPC.

The petitioners are the in-laws of the deceased-Mounika whose marriage was performed on 25.11.2016 with A-1 and thereafter they started harassing her on the ground that her parents by fraud performed her marriage without disclosing the thyroid problem which she was suffering. Thereafter, she was taken to Bhupalapally and got examined by a doctor in Sinivasa Hospital, there the doctor issued a report opining that she was not suffering from thyroid problem, on that he sent his daughter to the house of her in-laws i.e. petitioners 1 and 2 and her husband, but they continued the same harassment. Within short time thereafter blaming that she will not beget children unless the thyroid problem is cured and the said fact was informed by his daughter, thereafter she was brought back to Jangupalli village. Two or three days prior to her death, A-1 used to telephone her and subjected her to harassment saying that she will not beget children and harassed her mentally, thereafter when the de facto complainant went out for coolie work, she committed suicide with chunni hanging to a beam in the house and died.

The main contention of the learned counsel for the petitioners is that the alleged act committed by the petitioners i.e. blaming for her inability to beget children on account of thyroid problem would not

amount to abetment to constitute an offence punishable under Section 306 of IPC. Section 107 of IPC defines the abetment of a thing, that a person abets the doing of a thing who instigates any person to do that thing, engages with one or more other person in any conspiracy for the doing of that thing, or intentionally aids, by any act or illegal omission, the doing of that thing.

Here, the petitioners 1 and 2 being the in-laws harassed blaming for her inability to beget children on account of thyroid problem and such act directly amounts to intentionally aiding by their act would amount to abetment and by their act they drove her to commit suicide. Therefore, such act would attract an offence punishable under Section 306 of IPC prima facie. However, these observations will have no bearing on any application or in trial of main case.

As seen from the allegations made in the complaint, the material on record would show prima facie case against these petitioners and thereby they are disentitled to claim pre-arrest bail.

Therefore, taking into consideration the facts and circumstances of the case, I find that it is not a fit case to enlarge the petitioners on pre-arrest bail and consequently, the petition is liable to be dismissed.

In the result, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 18.04.2017
ccm

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



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ccm