

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.416 OF 2017

ORDER:

This Criminal Petition is filed by the petitioners under Section 437 and 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.848 of 2016 of Kushaiguda Police Station, Hyderabad, registered for the alleged offence punishable under Section 304-B I.P.C.

Petitioners herein are A.1 and A.3, respectively.

The case of the prosecution, in brief, is as follows:

On 25-12-2016 at 1900 hours, the complainant-V.Pandu who is the brother of the deceased-Anitha lodged a report with the police alleging that his sister Anitha married A.1 on 30-5-2013 and at the time of marriage, they gave 13 tulas of gold, net cash of Rs.1,50,000/- and utensils etc., as dowry and performed marriage at their house. They led happy life for few days. They were blessed with a son Charan Sai aged 1 ½ years. Now his sister is nine months pregnant. Deceased Anitha was harassed by petitioner-A.1, his mother Sugunamma, father Puttaiah, sister-in-law Radhika for additional dowry. His brother-in-law (A.1) used to hear his parents words and harassed the deceased- Anitha during her life time. Whenever, they visited the house, they used to quarrel.

On 25-12-2016 at about 3.30 P.M., his father telephoned and informed that brother-in-law calling and asked to go. Immediately, he rushed to his sister's house and found his sister hanging with chunni. He found her sister dead. Brother-in-law, parents and sister

of the petitioner-A.1 are responsible for the death of her sister. Hence, they committed the alleged offence punishable under section referred supra.

Heard the learned counsel for the petitioners and the learned Public Prosecutor.

The present petition is filed mainly on the ground that there were no prior complaints about subjecting the deceased-Anitha to cruelty by the petitioners and others and thereby, the petitioner cannot be roped with such a serious offence punishable under Section 304-B of I.P.C. and apart from that, Charan Sai who is the son of 1st petitioner-A.1 and the deceased Anithia lost his mother, his father is away, there is no one to look after the welfare of the child and prayed to enlarge the petitioners on bail.

Learned Public Prosecutor submitted that the offence committed by the petitioners which is punishable under Section 304B I.P.C. is serious offence and as such, they cannot be enlarged on bail.

As seen from the material on record, the marriage took place on 30-5-2013 and the death took place on 25-12-2016 and that apart the death of Anitha is unnatural at the residence of in-laws, in such a case, the presumption under Section 113 (b) of the Evidence Act is applicable though it is rebuttal presumption. Till it is rebutted, it is difficult to come to a conclusion that the petitioners have committed such an offence.

Investigation in this case is not yet completed and some more witnesses are to be examined besides awaiting FSL report and

medical report from the concerned. At this stage, if the petitioners are released on bail, there is every possibility of interference by the petitioners-A.1 and A.3 with further investigation and therefore, at this stage, it is difficult to enlarge the petitioners on bail and consequently, this petition is liable to be dismissed.

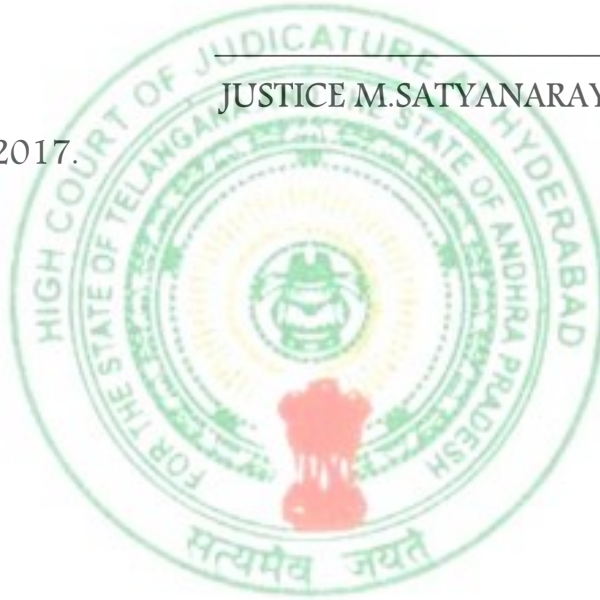
In the result, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 31-1-2017.

Dvs.



HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 31-1-2017.

Dvs