

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2914 of 2017

ORDER

This petition under Section 438 of Criminal Procedure Code is filed by petitioners/A1 and A2 seeking a direction to the Station House Officer, Bellampalli Town Police Station, Ramagundam District, to release them on bail in the event of their arrest in Crime No.56 of 2017 of Bellampalli Police Station, Ramagundam District, registered for the offences punishable under Sections 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act.

2. Smt Sophiya Oliver Kori, lodged a complaint on 26.03.2017 before the police, alleging that her marriage with the first petitioner/A1 was performed on 16.12.2016 and at the time of marriage, her parents gave Rs.4 lakhs towards dowry besides presentation of 20 Tulas of gold ornaments and later, they lived happily for some time. Subsequently, both the petitioners started harassing the de-facto complainant on the ground that she failed to get the house registered in the name of first petitioner conveying the property of her mother and that on 26.12.2016, when her parents visited the house, petitioners abused them in filthy language and demanded to execute a registered document in the name of first petitioner, otherwise, not to visit their house. Thereafter, on 30.12.2016, when her parents took her to the matrimonial house and reprimanded him, the first petitioner promised to look after well, but continued the same harassment for her failure to get the house registered in the name of the first petitioner conveying the property

of her mother.

3. The main contention of petitioners before this Court is that the de-facto complainant is suffering from Gynecic problem and the marriage was not consummated, thereby, the first petitioner filed a petition before the Family Court, Hyderabad, for annulment of marriage in the month of April, 2017 and therefore, the present complaint was lodged and prayed to enlarge them on anticipatory bail.

4. Learned Public Prosecutor specifically contended that the allegations in the complaint would constitute the offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act (for short the Act') and that the demand made by petitioners to convey the property in favour of first petitioner by executing a registered document is serious offence and it would attract the offence punishable under Section 4 of the Act and prayed for dismissal of the petition.

5. Undisputedly, the relationship between the petitioners and de-facto complainant is that the first petitioner is husband and second petitioner is mother-in-law of de-facto complainant and the marriage of de-facto complainant with the first petitioner was performed on 16.12.2016. They did not dispute the payment of Rs.4 lakhs and 20 tulas of gold towards dowry at the time of marriage. As the petitioners received Rs.4 lakhs and 20 tulas of gold towards dowry at the time of marriage, it falls within the definition of 'dowry' under Section 2 of the Act and receipt of the said amount and jewellery would constitute the offence punishable under Section 3 of the Act.

Apart from that, the demand made by petitioners to execute a registered sale deed conveying the property of the mother of the de-facto complainant in the name of first petitioner/A1, subjecting her to cruelty for her failure to meet the demand would constitute the offence punishable under Section 498-A IPC. Therefore, I find no grounds, *prima facie*, to grant pre-arrest bail to the petitioners as the grant of pre-arrest bail is discretion of the Court and I am unable to exercise such discretion in favour of petitioners for the aforesaid reasons.

6. Hence, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

17th April, 2017
sj

M. SATYANARAYANA MURTHY, J

