

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6749 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 to 3, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.151 of 2017 on the file of the Station House Officer, Chityal Police Station, registered for the offences under Sections 498-A and 304-B read with 34 of IPC.

2. The learned counsel for the petitioners strenuously submitted that the petitioner Nos.2 and 3 are old aged persons and they have nothing to do with the death of the deceased; therefore, it is a fit case to grant bail to the petitioners. She further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioners.

3. The facts leading to filing of the present criminal petition are as follows: Srilatha (hereinafter referred to as, the deceased), is the daughter of the *de facto* complainant-Bhandraiah Ganganaveni. The marriage of the deceased was performed with accused No.1 in the month of March, 2016 as per Hindu rites and caste customs. At the time of the marriage, the *de facto* complainant gave Rs.2,00,000/- cash and ten (10) tulas of gold to the petitioners

towards dowry. It is the further case of the prosecution that the petitioners subjected the deceased to cruelty demanding additional dowry of Rs.3,00,000/- and Acs.0.20 guntas of land. Unable to bear the harassment meted out by the petitioner, on 04.7.2017, the deceased consumed pesticide poison and committed suicide. The petitioners were arrested on 06.7.2017 and remanded to judicial custody.

4. The petitioner filed CrI.M.P.No.963 of 2017 on the file of the Court of Special Sessions Judge for SC/ST (PoA) Cases-cum-VII Additional Sessions Judge, Warangal, under Section 439 of Cr.P.C., to grant bail, and the same was dismissed on 19.7.2017 on the ground that the investigation was in progress.

5. A perusal of the record *prima facie* reveals the role played by the petitioner in commission of the offences. The record further reveals that the investigation is in progress. If the petitioners are released on bail, at this stage, the possibility of tampering with the prosecution evidence cannot be ruled out completely.

6. Taking into consideration seriousness of the offences alleged to have been committed by the petitioners as well as the stage of investigation, this court is of the considered view that it is not a fit case to grant bail to the petitioner.

7. Hence, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 09, 2017
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