

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2366 of 2017

ORDER:

This criminal petition is filed by the petitioners/ A.2 & A.3 under Section 438 of Cr.P.C., to direct the Station House Officer, Rajahmundry Women PS, to release them on bail, in the event of their arrest in connection with Cr.No.2 of 2017, registered for the offences punishable under Sections 498-A, 506 read with 34 of IPC and sections 3 and 4 of the Dowry Prohibition Act.

2. The case of the prosecution in brief is that, the marriage of the *de facto* complainant was performed with A.1, who is the son of the petitioners herein and on account of her earlier affair with one Lingam Nani, who refused to marry her, the marriage of the *de facto* complainant was performed with A.1 after disclosing the entire incident with Nani, but taking advantage of the differences between Nani and the *de facto* complainant, the petitioners and others subjected her to cruelty and drove her to commit suicide and in the said process, on 26.06.2016 unable to bear the harassment and differences, she went to Durgamma Temple, Trimurthulu Hills, Malkapuram. In the meanwhile one K.Lakshmi came to her and took her to the house of A.1, where he beat her questioning her with whom she went out. Basing on the complaint, the police registered the above crime.

3. The main contention of the petitioners is that the petitioners are in-laws and in the absence of any specific allegations, they cannot be arrested and there is a circular issued by the Police department, which states straightaway arrest cannot be made. But those circulars are binding only on the department.

4. While considering the case, the duty of the court is to find that there is any *prima facie* material to conclude that the petitioners have committed the alleged offences or that there is any possibility for them to interfere with further investigation if they are enlarged on bail.

5. In the present case, there are specific allegations against the petitioners that they subjected the *de facto* complainant to cruelty and drove her to commit suicide on the ground that she had affair with one Lingam Nani, though the said fact was disclosed to the petitioners and their son before the marriage. Therefore, such act would fall within the definition of cruelty under Explanation to Section 498-A of IPC. It is also brought to the notice of this court that 17 witnesses were examined and the statements were recorded by the police under Section 162 Cr.P.C., more particularly the statements of LWs.1 to 5 disclose that the petitioners subjected her to cruelty and drove her to commit suicide. In the circumstances, I find *prima facie* material to conclude that the petitioners committed the offences punishable under Sections 498-A, 506 read with 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act. Therefore, I find no grounds to enlarge the petitioners on pre-arrest bail.

6. In the result, the criminal petition is dismissed.

M. SATYANARAYANA MURTHY, J

Date: 03.04.2017
BSS

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