

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2531 OF 2017

ORDER:

This criminal petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/A.1 on bail in Crime No.7 of 2017 of IV Tow Police Station, Anantapuramu, registered for the offences punishable under Sections 498-A and 307 read with 34 of the Indian Penal Code, 1860 (for short 'I.P.C.') and Sections 3 and 4 of the Dowry Prohibition Act, 1961, as he is in judicial custody since 03.03.2017.

The petitioner is A.1 and he is the husband of the *de facto* complainant.

The case of the prosecution, in brief, is that prior to 16.01.2017 the petitioner/A.1 along with his parents/ A.2 and A.3 subjected the *de facto* complainant to cruelty demanding additional dowry, more specifically it is alleged that on 16.10.2016 when the *de facto* complainant was at gas stove, the petitioner/A.1 and his parents/A.2 and A.3 came near to her and made an attempt to push her on gas stove, but she could escape from such an attempt and raised cries. Thereafter, the petitioner/A.1 along with his parents/A.2 and A.3 subjected the *de facto* complainant to cruelty and beat her with hands indiscriminately and made an attempt to kill her by pressing her neck and thus based on such allegations, the police registered the crime against the petitioner and issued F.I.R.

The main contention of the counsel for the petitioner that there was a registered correspondence between the petitioner and the *de facto* complainant and a notice dated 09.01.2017 was addressed to her marking a copy to the Wipro Company, where she is working

alleging that she is insisting the petitioner to set up a separate family and subjected him to cruelty.

The allegations made in the complaint would show that the complaint dated 04.11.2016 was pending before the Mahila Police Station against the petitioner and his parents, which was coming up for counseling and accordingly, they appeared before the police for counseling, but continued their harassment of the *de facto* complainant.

The Public Prosecutor for the State of Andhra Pradesh opposed the criminal petition on the ground that the material collected by the investigation agency is suffice to conclude that the petitioner/A.1 along with A.2 and A.3 committed an offence punishable under Sections 498-A and 307 of I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

A bare look at the contents of complaint it is evident that the petitioner with the aid of his parents made sincere attempts to kill the *de facto* complainant once by pushing her on the stove and again pressing her neck. Such attempts to kill her, subjecting to harassment for her to failure to meet the illegal demand of dowry, *prima facie*, attracts the offences punishable under Sections 498-A and 307 read with 34 of I.P.C. Therefore, I find no ground to enlarge the petitioner on bail, at this stage, since there is every possibility of his interference with the further investigation and threatening the witnesses.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

31.03.2017
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