

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7316 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-A1 and A2 for the offence alleged under Section 304-B IPC.

2. Heard the learned counsel for the petitioners, learned Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners would submit that there are no ingredients of Section 304-B IPC against the petitioners in connection of the death of Navya (hereinafter referred to as 'the deceased') and no complaint was made during her life time. Even there were no instances that the deceased meet the de facto complainant, her brother and telling the happenings. The allegations in the report are false and ultimately prayed to grant bail to the petitioners under Section 438 Cr.P.C.

4. Learned Public Prosecutor opposed grant of bail to the petitioners.

5. The deceased is the wife of petitioner-A1. The petitioner-A2 is the mother-in-law of the deceased. The deceased committed suicide by hanging to ceiling fan between 3.30 to 4.30 P.M. on 13.05.2017 in the house of the petitioners Nos. 1 and 2.

6. It is contended that A1 is in Dubai and A2 is a Government servant. As per the investigation and record, there are specific allegations of dowry harassment and dowry demand and not allowing the deceased to see her

brother, who is the de facto complainant herein. The same was informed by the deceased to the de facto complainant. For two years and above, the whereabouts of the deceased were not known to the de facto complainant. The gravity of the offence against both the petitioners is high. It cannot be said that there are no ingredients of Section 304-B IPC.

7. Viewed from any angle, I am of the considered view that it is not a fit case to grant bail to the petitioners under Section 438 Cr.P.C.

8. Accordingly, the Criminal Petition is dismissed.

DATED: 31-10-2017
Hsd

DR.SHAMEEM AKTHER, J

