

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2323 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner, who is A-3 in Crime No.782 of 2016 of Madhapur (Guttala) Police Station, Cyberabad, for the offences punishable under Sections 498-A & 307 of the Indian Penal Code, 1860 (for short, "IPC") & Sections 3 & 4 of the Dowry Prohibition Act, 1961 (for short, "the D.P. Act"), seeking a direction against the Station House Officer, Madhapur (Guttala) Police Station, Cyberabad, to release the petitioner on bail in the event of her arrest in connection with the above crime, apprehending her arrest.

2. The case of the prosecution, in brief, is that the petitioner allegedly developed illicit intimacy with A-1, who is the husband of the *de facto* complainant and that the petitioner threatened the *de facto* complainant to vacate the premises, otherwise she will elope with A-1 and on the later occasion, i.e., in the month of November, 2016, the petitioner along with A-1 made an attempt to kidnap the son of the *de facto* complainant and while so, on 12.12.2016, the petitioner called the *de facto* complainant over phone and asked her to come to Ravindra Society, Madhapur, Hyderabad and when the *de facto* complainant along with one watchman by name David went there, she found both the petitioner and A-1 there and both of them approached her and the petitioner caught hold of the *de facto* complainant and A-1 slapped on her cheeks and fisted on her stomach and thereupon A-1

opened motorcycle petrol tank cap and poured some petrol on the *de facto* complainant with an intention to kill her.

3. The specific allegations made in paragraphs 4 and 5 of the complaint appears to be totally artificial and the alleged acts would not attract the offences punishable under Sections 498-A & 307 of IPC & Sections 3 & 4 of the D.P. Act since the petitioner is not the relative of the husband or the *de facto* complainant and the petitioner never made any demand for payment of additional dowry subjecting her to cruelty for her failure to meet such demand.

4. Regarding the offence punishable under Section 307 IPC, it is alleged in the complaint that the petitioner caught hold of the hands of the *de facto* complainant and then A-1 allegedly slapped on her cheeks and fisted on her stomach and poured some petrol by opening motorcycle petrol tank cap. It is again an other artificial allegation and it is impossible to remove petrol by opening a cap in normal course, except with any device, but it is not her case that with any device, the petrol was removed from the motorcycle petrol tank. Therefore, I find no *prima facie* material to conclude that the petitioner did commit any offences punishable under Sections 498-A & 307 of IPC & Sections 3 & 4 of the D.P. Act.

5. Since major part of the investigation is completed, the question of interference of the petitioner with the investigation in the event of enlargement of the petitioner on pre-arrest bail does not arise. Hence, I find that it is a fit case to enlarge the petitioner on pre-arrest bail.

6. In the result, the Criminal Petition is allowed directing the Station House Officer, Madhapur (Guttala) Police Station, Cyberabad, to release the petitioner (A-3) on bail in the event of her arrest in Crime No.782 of 2016 for the offences punishable under Sections 498-A & 307 of IPC & Sections 3 & 4 of the D.P. Act on execution of personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to the satisfaction of the said S.H.O.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M.SATYANARAYANA MURTHY

Date: 24th March, 2017

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