

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4255 of 2017

ORDER:

1 This criminal petition is filed, by the petitioners-accused Nos.1 to 4, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.20 of 2017 on the file of the Station House Officer, Women Police Station, Vikarabad, registered for the offences punishable under Sections 498(A) of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2 The learned counsel for the petitioners strenuously submitted that the accused No.1 and the de-facto complainant have been residing in a separate house since the date of their marriage. He further submitted that the petitioner Nos.2 to 4 have nothing to do with the family affairs of the accused No.1 and the de-facto complainant. He further submitted that the allegations made in the complaint are bereft of the basic ingredients of Section 498-A of IPC and hence it is a fit case to grant anticipatory bail to the petitioners. *Per contra*, learned Additional Public Prosecutor representing the State submitted that serious allegations are made against the petitioners, therefore, it is not a fit case to grant anticipatory bail to the petitioners.

3 A perusal of the record reveals that the petitioners are accused Nos.1 to 4 in Cr.No.20 of 2017 on the file of women Police Station, Vikarabad. A perusal of the record reveals that the marriage of accused No.1 was performed with the *de facto* complainant as per Muslim rites and caste customs. Immediately after the marriage, the *de facto* complainant joined with accused

No.1 to lead marital life. Out of their lawful wedlock, the accused No.1 and the de-facto complainant were blessed with three sons. As per the allegations made in the complaint, accused No.1 beat the de-facto complainant and subjected her to cruelty for additional dowry at the instance of petitioner Nos.2 to 4. Second petitioner is father, third petitioner is mother and fourth petitioner is brother of the accused No.1. It is not uncommon to implicate the family members of the husband in criminal cases more particularly cases registered under Section 498-A of IPC. The only allegation made against the petitioner Nos.2 to 4 is that they instigated the accused No.1 to subject the de-facto complainant to cruelty for additional dowry. As rightly pointed out by the learned counsel for the petitioners, no specific allegation is made against the petitioner Nos.2 to 4.

4 Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to grant anticipatory bail to the petitioner Nos.2 to 4 only.

5 In the result, the criminal petition is partly allowed, directing the Station House Officer, Women Police Station, Vikarabad, to release the petitioner Nos.2 to 4 / accused Nos.2 to 4 on bail, in the event of their arrest in connection with Crime No.20 of 2017, on each of them executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to his satisfaction. Further, the petitioner Nos.2 to 4 are directed to comply with the following conditions:

- (a) They shall make themselves available for interrogation by Police as and when required;
- (b) They shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police Officer; and
- (c) They shall not leave India without the previous permission of the concerned Court.

6 However, the petition, so far as petitioner No.1 is concerned is dismissed.

T.SUNIL CHOWDARY, J

Date: July 31, 2017

Kvsn

