

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**CRIMINAL PETITION No.1104 of 2017**

**ORDER:**

The petitioner/A.7 filed the present application under Section 438 Cr.P.C. to release him in the event of his arrest in connection with Crime No.368 of 2016 of Pattabhipuram Police Station, Guntur District, registered for the offences punishable under Section 498-A IPC and Section 4 of the Dowry Prohibition Act.

2. The case of the prosecution is that one T.Vijaya Lakshmi @ Vijaya married A.1 and during their wedlock, they were blessed with two daughters, who are aged about 18 and 16 years respectively. A.1 developed illicit intimacy with one Karunamma, who belongs to Scheduled Tribe community. At one point of time, the said Karunamma lodged a complaint against A.1, which is the subject matter of Crime No.172 of 2016 of Pattabhipuram Police Station and in connection with the said crime, A.1 was sent to jail about one month and the petitioner stood as surety for releasing him on bail. A.1 kept his wife and children away and had been residing with the said Karunamma and they were also blessed with a son. It is the further case of the prosecution that the said Vijaya Lakshmi due to her failure to meet the demand of Rs.10.00 lakhs made by petitioner and others; failure to take care of the children by her mother-in-law; harassment made by A.1; and having vexed with life, committed suicide after writing suicide note.

3. The case of the petitioner is that he is only a distant relative i.e., brother's son of mother-in-law of the deceased Vijaya and he is no way concerned with the affairs of deceased family; that he never demand dowry of Rs.10.00 lakhs as the marriage of the deceased with

A.1 took place about 20 years ago, therefore, he is not responsible for the death of the deceased. He also contended that the entire investigation is completed and all other accused were enlarged on regular bail and therefore, the petitioner sought for pre-arrest bail.

4. Learned Additional Public Prosecutor for the State of Andhra Pradesh has drawn the attention of this Court to the suicide note and the stage of investigation.

5. Learned counsel for the *de facto* complainant contended that the material on record would show that the petitioner is also one of the accused persons and due to his acts, the deceased committed suicide and therefore, prayed for dismissal of the petition.

6. A bare look at the contents of the suicide note, the petitioner being brother's son of mother-in-law of the deceased Vijaya, along with others i.e., A.1 to A.6 and A.8 demanded her to bring dowry of Rs.10.00 lakhs. The marriage of the deceased with A.1 was performed about 20 years back and from the date of marriage A.1 and his mother subjected her to cruelty. Therefore, the act or omission committed by the petitioner along with other accused led her to commit suicide. Even according to Section 107 (3) IPC, whoever intentionally aids, by any act or illegal omission, the doing of that thing would amount to abetment. Here the petitioner being a relative of mother-in-law of the deceased i.e., brother's son, by his act i.e., demand of Rs.10.00 lakhs followed by the harassment made by A.1 and mother-in-law, she committed suicide. Therefore, there is *prima facie* material to conclude that the petitioner also committed the offence punishable under Section 306 IPC along with others.

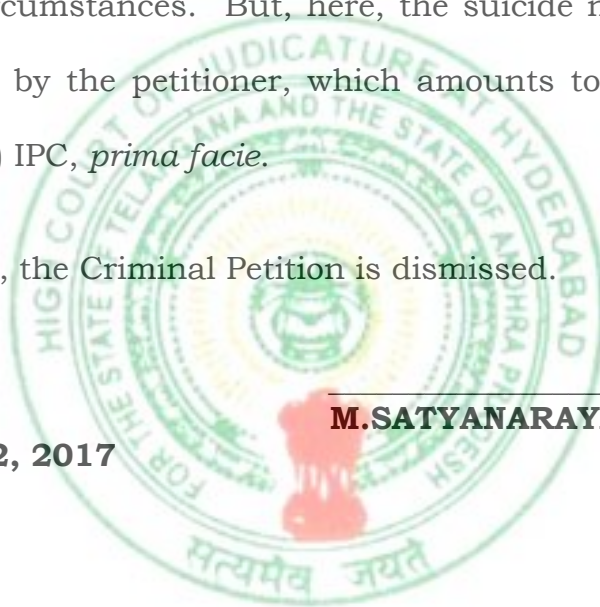
7. If the offences are punishable under Section 304-B or 498-A IPC, such persons must be a relative of the husband of the deceased. But, for the offence punishable under Section 306 IPC, it need not be a relative of the husband of the deceased, even an unrelated person may abet to commit suicide. Therefore, it is not a ground to enlarge the petitioner on bail.

8. Hence, I find that it is not a fit case to exercise the discretionary powers to grant pre-arrest bail since the grant of pre-arrest bail is purely discretion and such discretion can be exercised only in exceptional circumstances. But, here, the suicide note discloses the act committed by the petitioner, which amounts to abetment under Section 107 (3) IPC, *prima facie*.

9. In result, the Criminal Petition is dismissed.

**FEBRUARY 22, 2017**  
YVL

**M.SATYANARAYANA MURTHY, J**



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**Date: 22.02.2017**

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