

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1654 OF 2017

ORDER:

The petitioners, who are A-1 to A-4, in Crime No.194 of 2016 of Ponnur Urban Police Station, Guntur District, filed the present application under Section 438 Cr.P.C. to release them on bail in the event of their arrest in connection with the above crime, registered for the offences punishable under Sections 498-A, 307 IPC and Sections 3 & 4 of the Dowry Prohibition Act.

2. The case of the prosecution, in brief, is that the marriage of the *de facto* complainant was performed with A-1 on 21.12.2012 at Ponnur and at the time of marriage, her parents gave gold, land and cash towards dowry. After marriage, she went to Chennai and lead marital life there. Since the date of marriage, her parents are looking after her for everything, more particularly, to meet her expenditure and her marital life went on smooth for some time. However, for the last one year, she is facing harassment from her husband, Meka Kiran Kumar (A-1), and his parents Meka Vijaya Lakshmi and Meka Vijaya Mohan Rao (A-2 & A-3) and her brother-in-law, Kalyan Kumar and his wife Anuradha and also maternal aunt Kuppaka Uma Devi (A-4), wife of Koteswara Rao, for additional dowry. Due to unbearable harassment for her failure to meet the illegal demand for payment of additional dowry, the said fact was informed by her to her parents and her parents also purchased a car and property admeasuring Ac.3.32 cents, situated at Moparru Village and presented to her. While she was at Chennai, her brother-in-law,

his wife Anuradha, subjected her to harassment for her failure to meet the illegal demand for payment of additional dowry over phone. Apart from that, they instigated the first petitioner to demand additional dowry and purchase a flat at Chennai and thereafter, plot by the side of residential house of in-laws at Ponnur Village and thus, she was subjected to cruelty for her failure to meet the illegal demand for payment of additional dowry. On the strength of the same, the police registered the above crime against these petitioners and issued FIR.

3. As seen from the material available on record, the entire incident appears to have taken place at different places i.e., mostly at Chennai. The allegation made against her brother-in-law and his wife Anuradha appears to be imaginary and when they are living at Canada, the question of harassing the *de facto* complainant for her failure to meet the illegal demand for payment of additional dowry does not arise. Even the alleged instigation of forcing A-1 to subject her to cruelty for her failure to meet the illegal demand for payment of additional dowry is not based on any material. According to the allegations made in the complaint, they telephoned her husband and instigated him to subject her to cruelty, but it is a known fact that it is difficult to hear the telephonic conversation, more particularly, the voice of others in the phone by the first petitioner and it appears that the *de facto* complainant made sincere efforts to rope those two persons, Anuradha and Kalyan Kumar, but they are not parties before this Court. Similarly, the allegation made against the 4th petitioner, Kuppaka Umadevi, is not based on any material and that apart, at best the allegation made against the first petitioner that he

subjected her to cruelty at Chennai when they are living together at Chennai may be true to some extent, but the role played by petitioners 2 & 3, i.e., in-laws of the *de facto* complainant, appears to be artificial and no specific incident with details were mentioned except making *omnibus* allegations against petitioners 2 & 3, who are living at Ponnur Village, while the *de facto* complainant and the first petitioner were residing at Chennai. Therefore, the petitioners 2 & 3 appears to have been roped in the above crime without any satisfactory material. Therefore, I find no *prima facie* material against petitioners 2, 3 & 4 to conclude that they committed the offences punishable under Sections 498-A, 307 IPC and Sections 3 & 4 of the Dowry Prohibition Act.

4. The learned Public Prosecutor for the State of Andhra Pradesh drawn the attention of this Court to the statement of Mannava Rosaiah, who allegedly witnessed the incident of subjecting the *de facto* complainant to cruelty for her failure to meet the illegal demand for payment of additional dowry and making an attempt to pour kerosene and set fire to her body, *prima facie*, material on record does not inspire confidence of this Court. Therefore, I find no ground to grant pre-arrest bail to the first petitioner, while holding that petitioners 2 to 4 are entitled to pre-arrest bail.

5. In the result, the Criminal Petition is allowed-in-part directing the Station House Officer, Ponnur Urban Police Station, Guntur District, to release the petitioners 2, 3 & 4/A-2, A-3 & A-4 on bail in the event of their arrest in connection with Crime No.194 of 2016 for the offences punishable under Sections 498-A, 307 IPC

and Sections 3 & 4 of the Dowry Prohibition Act on execution of personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the said S.H.O., while declining to grant pre-arrest bail to the first petitioner/A-1.

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

JUSTICE M.SATYANARAYANA MURTHY

Date: 10th March, 2017

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