

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11713 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 petitioners/accused Nos.2 and 3 for grant of anticipatory bail in the event of their arrest in connection with Crime No.74 of 2017 of Rampachodavaram Police Station, East Godavari District, registered for the offence punishable under Section 304B read with 34 I.P.C.

2. Heard learned counsel for the petitioners/accused Nos.2 and 3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners would submit that the petitioners/accused Nos. 2 and 3 are innocent persons and falsely implicated in this case. There is no specific accusation against the petitioners/accused Nos.2 and 3. The marriage took place in the year 2009 and to that effect, Certificate is filed. Therefore, the provisions of Section 304B I.P.C. have no application to the instant case. Moreover, both the petitioners are employees and they were not present at the house when the daughter of the *de facto* complainant i.e., daughter-in-law of the petitioners consumed poison. On receiving information, they attended the deceased and ultimately, prayed to allow the application.

4. The learned Additional Public Prosecutor would submit that there are no specific and grave accusations against the petitioners.

5. The material on record reveals that accused No.1 married the deceased 'Prameela Rani' in the year 2009. Thereafter, she started living with her husband and the petitioners herein. There is also ample record to show that the deceased was mentally and physically tortured by accused No.1 for dowry on several occasions. He used to shave the head of the deceased, so that she could not look beautiful. She was not allowed to meet her parents. There are also specific allegations against these petitioners that these petitioners along with accused No.1 used to harass the deceased mentally and physically and used to take her services as a maid servant and the deceased was not allowed to meet her parents. On one occasion, when the *de facto* complainant (father of the deceased) met the deceased, he was beaten by accused No.1. The deceased and the *de facto* complainant were threatened by dire consequences. Even if it is presumed that the marriage took place in the year 2009, the allegations against both the petitioners are grave and serious in nature. It cannot be said that these petitioners are not responsible for the death of the deceased. The release of the petitioners/accused Nos.2 and 3 would hinder the investigation. There is possibility of causing disappearance of material evidence. Viewed from any angle, it is not a fit case to allow the application under Section 438 Cr.P.C.

6. Hence, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

December 05, 2017
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