

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CRIMINAL PETITION No.5300 of 2018

ORDER:

The petitioners, who are A2 and A3 in Crime No.110 of 2018 of Bhongir Town Police Station, Yadadri-Bhongir District, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 498-A, 304-B I.P.C. and Sections 3 & 4 of the Dowry Prohibition Act.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. The brief averments of the prosecution are that the petitioners herein are parents of A1 and the deceased is wife of A1 and for the alleged occurrence on 15.03.2018, the crime was registered for the offences supra, undisputedly, the deceased within 7 years of marriage with A1 while residing in the house of in-laws with A1 to A3, she met with unnatural death.

4. The contention of the learned counsel for the petitioners is that the ingredients of Section 304(B) I.P.C. are not attracted, for, nothing to show even from the remand report among A1 to A7, the so called harassment not

mentioned, much less, soon before death for demand of dowry though the so called unnatural death from the harassment and in the absence of which the registration of the crime under Section 304(B) I.P.C. is unsustainable and they are innocent and falsely implicated and languishing in judicial custody since 17.03.2018. Hence and from the factum of most of the investigation is completed, but for, filing of charge sheet, they are entitled to the concession of bail.

5. A perusal of paras 2 and 5 of the remand report clearly speaks after the marriage between the deceased and A1 with presentation of about Rs.10,00,000/- as dowry, for six months the marital life went smoothly and thereafter, particularly A1 to A3 started harassing and ill-treating for additional dowry and the harassment continued and it is the unbearable harassment, which resulted her death. It is mentioned that A4 went for bath, noticed the smoke from the house and raised hue and cry and found the deceased died of the burnt injuries. Undisputedly, the deceased died in the house of A1 to A3 with burnt injuries and once it is died in the house, is it probable to say that they have no knowledge till the deceased died of burns. Once such is the case, it is difficult to consider that the petitioners are

entitled to the concession of bail merely because they are in judicial custody since 17.03.2018, leave apart whether it attracts Section 302 or 306 or 304(B) I.P.C., it is a matter for investigation to file final report.

6. Accordingly, the Criminal Petition is dismissed as devoid of merits.

7. Consequently, miscellaneous petitions, if any shall stand closed.

---

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.06.2018

pab

