

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8892 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioners/A.2 and A.3, among three accused including husband of the deceased as A.1, and they are in-laws of the deceased, in Crime No.138 of 2018 of Bandar Taluka Police Station, Krishna District, dated 23.05.2018, registered for the offences punishable under Sections 498-A and 304-B read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. A perusal of the report of the *de facto* complainant, by name, Kasani Venkata Satyanarayana, speaks that the deceased Sumalatha was his daughter, whom given in marriage with his brother-in-law's younger son Suresh (A.1) in April, 2014, and at the time of marriage given land towards pasupukunkuma besides dowry to their demand in cash and also in kind and since marriage the deceased was harassed by the husband and in-laws of what was paid of Rs.3,50,000/- towards dowry not meted to their requirement and to bring additional dowry of Rs.25 lakhs and also for the deceased given birth of the first child female, they started ill-treating, therefrom also and for the second birth a male child was born in May 2017, however, there was a hole in the heart of the male child and they demanded to bring additional amount to meet the operation expenses of more than Rs.1,00,000/- and harassed the deceased and for that the *de facto* complainant raised

a dispute against the accused persons through Village Sarpanch and others, who reprimanded them and operation to that male child was conducted and thereafter the deceased with the children left with the parents by the accused persons with demand to bring additional dowry of Rs.5,00,000/- and it is only thereafter to take her back for marital life, despite the *de facto* complainant persuaded with requests of he is not in a position to give such a huge demand of dowry and in December 2017 taken again to the marital life, later saying if not taken the dowry of Rs.5,00,000/- they not even to talk her over phone and in January, 2018, when the brother of the deceased went to bring the deceased and children to the Sankranti festival, they did not send and abused and sent him away. While so, on 23.05.2018 at about 2.30 p.m. the brother of A.3 telephoned saying the deceased committed attempt of suicide by hanging and she is wriggling with last breath and admitted in hospital and when they went there, she breathed the last, she was brought to their house at Hussainpalem and kept in a incubatory box. The reason for the committing suicide by the deceased is the harassment of the accused persons.

3. A.1 was later arrested and granted regular bail. So far as the petitioners/A.2 and A.3 concerned, their anticipatory bail applications were ended in dismissal on 15.06.2018 in Crl.M.P.No.229 of 2018 and 30.07.2018 in Crl.M.P.No.301 of 2018 before the VI Additional District and Sessions Judge, Krishna, Machilipatnam.

4. Heard learned counsel for the petitioners and learned Special Assistant Public Prosecutor, representing the State, who opposed the same, and perused the bail application averments, earlier dismissal orders, remand report of A.1 and Part-I Case Diary and the compromise, dated 26.05.2018 between the *de facto* complainant and the accused persons.

5. A perusal of the material on record shows there is prima facie accusation against the petitioners/A.2 and A.3 also. Once such is the case, the petitioners are not entitled to the concession of anticipatory bail including under the ground of there is a compromise to close the crime, which is a non-bailable offence, for the offence under Section 304-B IPC.

6. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

6th September 2018.

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Dr. B. SIVA SANKARA RAO, J