

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9189 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner/sole accused in Crime No.85 of 2018 of Nagari Police Station, Chittoor District, dated 16.07.2018, registered for the offences punishable under Sections 498-A and 304-B IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioner and the learned Special Assistant Public Prosecutor, representing the State, who opposed the same, and perused the First Information Report, bail application averments and the nullity of marriage O.P.No.147 of 2017 filed in Family Court, Thiruvallur of Tamilnada State, by the petitioner against the deceased on 06.12.2017 or later and other material on record.

3. A perusal of the very report of the *de facto* complainant/father of the deceased, dated 16.07.2018, in registration of the crime shows the marriage of the deceased with the petitioner/accused was performed on 01.05.2015 at Thiruvallur and at the time of marriage as demanded dowry in cash and kind and in jewellery given. After marriage for some time they lived happily for one year and it is subsequently from 30.06.2017 the deceased used to telephone to the *de facto* complainant and family members saying her husband/the accused was harassing her and ill-treating her to meet additional

dowry of Rs.1,00,000/- and she telephoned on that day saying she was beaten indiscriminately to meet the additional dowry and he and his wife went there and consoled her and persuaded to live with her husband, so that they are going to arrange the additional dowry as demanded by him and also informed to treat her well. However, even later, the accused was ill-treating the deceased to meet the additional dowry physically and mentally and for Deepavali festival, she was sent out from his matrimonial company so that she come with the additional dowry demand. It is while so, on 29.01.2018, he filed a case in Family Court supra and she received summons and on 03.02.2018 through elders she was taken to drop at his hosue so to give that additional dowry, however, he refused to take her to his fold and send her by not allowed the elders to persuade. Not only that when she went to the hearing of the case in Family Court, after adjournment, it is on that day at about 3.00 p.m. he threatened her to come and join him with Rs.1,00,000/- else to die, she came to the house and stated to his wife and also the other elders and neighbours and vexed with her life in saying she decided to die for no other go and it is consequently she committed suicide on 15.07.2018.

4. A perusal of the record clearly attracts the ingredients for the offence, if not atleast for the offence under Section 306 IPC, thereby the petitioner is not entitled to the concession of anticipatory bail.

5. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

7th September 2018.

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