

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9812 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner/A.1 among two accused in Crime No.124 of 2018 of Jainoor Police Station, Kumrambheem Asifabad District, registered for the offence punishable under Section 304(B) read with 34 IPC.

2. The alleged date of occurrence was on 14.07.2018. It is on the report of the *de facto* complainant, no other than the father of the deceased-Ankitha, dated 15.07.2018, the crime is registered. The factual matrix show from the report that the marriage of the deceased with petitioner/A.1 (A.2 is the mother-in-law of the deceased) was performed on 04.05.2018, which is hardly 2 ½ months before her breathing last. At the time of marriage, there was agreement to pay Rs.3,00,000/- dowry, 5 tolas of gold and motor cycle as dowry as demanded and the *de facto* complainant has given Rs.2,00,000/-, 5 tolas of gold, Honda Shine motor cycle and promised to pay the remaining Rs.1,00,000/- balance dowry at Diwali festival. After few days of marriage, the *de facto* complainant came to know of the quarrel between the newly wedded couple about the demand by the accused of the payment of the remaining amount of Rs.1,00,000/- dowry and on 01.07.2018, A.1 made a phone call to the *de facto* complainant stating that some one used to call his daughter Ankitha/deceased and asked him to come and take her and it is on the

next day at the morning hours, he came to Jainoor and took his daughter to his house and thereafter on 07.07.2018, A.1 and his mother/A.2 came his house and on Wednesday he along with his daughter Ankitha, his son-in-law/Umesh/A.1 and one relative Sumithra proceeded to Narsapur Police Station and discussed about the phone calls, which are coming to his daughter's cell and the *de facto* complainant suggested his son-in-law and his mother that if they are having any suspicion about his daughter, they can keep a watch by keeping her at his house and on the next day i.e., Thursday A.1 requested the *de facto* complainant over phone to bring back his wife-deceased. On that he proceeded to the S.I. of Police, Gajula Narsapur Police Station, and informed that A.1 requested the *de facto* complainant to send the deceased to Jainoor. It is on 13.07.2018 at the evening hours of 5.00 p.m., the *de facto* complainant's brother, by name Raju, took Ankitha to Jainoor and left at the house of A.1 and A.2. One Asrubai asked Raju whether he brought the remaining dowry of Rs.1,00,000/- or not. It is on the next day i.e., 14.07.2018 Saturday afternoon from 3.00 p.m. onwards, the accused started harassing the deceased until night 9.00 p.m. for brining the additional dowry and the accused made a call to his sister Sumithra stating that for not providing dowry to take back the deceased Ankitha. It is also stated over the phone by deceased to Sumithra that her mother-in-law was harassing for the dowry amount and forced her to commit suicide. It is therefrom she consumed insecticide poison in bathroom. It is the

phone call received by him, they rushed and found died at the body at the Jainoor hospital.

3. The contentions in the regular bail application of the petitioner is in judicial custody since 17.07.2018, leave about A.2 was granted on medical grounds in Crl.M.P.No.748 of 2018, dated 03.08.2018, regular bail by the learned Sessions Judge, that the petitioner is innocent and falsely implicated and the deceased herself committed suicide and there is no any dowry demand or harassment for dowry to attract the offence under Section 304-B IPC.

4. The petitioner went unsuccessful in Crl.M.P.No.891 of 2018, dated 07.09.2018, in seeking regular bail before the learned Sessions Judge.

5. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, who opposed the same, and perused the First Information Report, bail application averments, remand report of A.1 and A.2 and the order of granting bail to A.2 and dismissal to A.1 respectively and the case diary file including the so-called confession-cum-disclosure statement of A.1, that placed also reliance by the learned counsel for the petitioner to say that A.1 pointed out about the deceased was receiving phone calls from a person recorded in the phone of the deceased as one Siva and there are WhatsApp chatting and photo showing kissing each other. In fact, that is not the reason even from his say, leave about how far the

disclosure statement ultimately admissible of he stated about he and his other demanded for balance dowry amount even just before the deceased committed suicide.

6. Having regard to the above, there is a prima facie accusation and investigation is still in progress as can be seen from the material on record, the petitioner is not entitle to the concession of regular bail, at this stage.

7. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

26th September 2018.

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Dr. B. SIVA SANKARA RAO, J

