

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13198 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A-2, for grant of bail in Crime No.650 of 2018 of Machavaram Police Station, Vijayawada, Krishna District, registered for the offence punishable under Section 304-B read with 34 I.P.C.

2. Heard the learned counsel for the petitioner/A-2, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioner/A-2 would contend that the petitioner/A-2 neither demanded any money nor harassed the deceased Alekhya, who is her daughter-in-law, for any reason; that the allegation made in the F.I.R. that the petitioner/A-2 encouraged A-1, who is her son, to harass the deceased Alekhya is absolutely false and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A-2 and contended that in the course of investigation, it has come up that the petitioner/A-2 demanded money and also harassed the deceased Alekhya and due to that, she committed suicide and ultimately, prayed to dismiss this application.

5. In view of the submissions made by the learned counsel on either side, the point that arises for determination is:

“Whether the petitioner/A-2 can be enlarged on bail under Section 438 Cr.P.C.?”

6. **POINT:-**

As per the record, on 29.08.2018, the marriage in between A-1 and the deceased Alekhya was performed and in the marriage, the parents of the deceased Alekhya gave an amount of Rs.20,00,000/- towards dowry, 35 tulas of gold and Rs.1,00,000/- towards adapaduchu katnam. Thereafter, it is alleged that A-1 and his mother, the petitioner herein, physically and mentally harassed the deceased Alekhya. There are also specific and grave allegations against the petitioner/A-2 with regard to causing physical and mental torture to the deceased Alekhya and ultimately, driving her to commit suicide by hanging at her in-laws' house. The allegations against the petitioner/A-2 are grave and specific. There are allegations of demand of dowry and harassment. Moreover, the subject death is caused within three months of the marriage of the deceased Alekhya. It cannot be said that the petitioner/A-2 neither harassed the deceased Alekhya nor demanded any money, as alleged. In view of the nature of allegations and gravity of the offence, the petitioner/A-2 is not entitled for bail under Section 438 Cr.P.C.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 18.12.2018
AMD

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