

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12801 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners-A.1 and A.2 in Crime No.97 of 2017 of Nagaram Police Station, Guntur District, registered for the offences punishable under Sections 498A and 306 I.P.C. r/w Section 34 I.P.C.

2. Heard the learned counsel for the petitioners-A.1 and A.2 and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioners-A.1 and A.2 would submit that the petitioners-A.1 and A.2 are innocent persons and they are falsely implicated in this case; the deceased, who is the wife of the petitioner-A.1, committed suicide in her parents' house; there is no abetment to commit suicide; the petitioners-A.1 and A.2 have not demanded any dowry, a false case is foisted against them; and ultimately, prayed to allow the application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A.1 and A.2 under Section 438 Cr.P.C.

5. The material available on record reveals that the deceased-Tadiboina Manasa @ Devaki Manasa (wife of A.1) committed suicide at her parents' house. Her marriage with the petitioner-A.1 took place on 22.04.2016. At the time of marriage, 2½ acres of land, cash of Rs.4,00,000/-, five sovereigns of gold and silver articles and other property were given to the petitioner-A.1 and Rs.30,000/- was given as Adapaduchu Katnam. After two months of marriage, the petitioners-A.1 and A.2 stated that horoscope of the deceased did not match with the

petitioner-A.1 and started harassing the deceased mentally and physically. The petitioners did not take the deceased to their house and left her in the house of her mother. The petitioner-A.1 visited the deceased but did not take back her to their house. When the relatives of the deceased took the deceased to her in-laws' house, the petitioners and other accused did not allow her and forced her to quit the house and a report was also lodged by the in-laws of the deceased with the police alleging the house trespass, etc. There are number of instances where the deceased was physically and mentally tortured by the petitioners-A.1 and A.2, i.e., husband and mother-in-law. Having vexed to the attitude of these persons, the deceased committed suicide. Under these circumstances, it cannot be said that the petitioners-A.1 and A.2 are innocent persons and they are not responsible for the subject death. There are also other grave allegations against the petitioners-A.1 and A.2. The matter requires thorough investigation. The release of the petitioners-A.1 and A.2 would hinder the investigation. There is possibility of the petitioners-A.1 and A.2 causing disappearance of evidence. Under these circumstances, it is not a fit case to grant bail to the petitioners-A.1 and A.2 under Section 438 Cr.P.C.

6. In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 03-01-2018

siva