

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1424 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioners/accused Nos.1 to 3 for grant of anticipatory bail in the event of their arrest in Crime No.443 of 2018 of Bhupalpally Police Station, Jayashankar Bhupalpally District, registered for the offences alleged under Sections 498A and 304B I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioners/accused Nos.1 to 3 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. Learned counsel for the petitioners/accused Nos.1 to 3 would submit that there is no dowry death, as alleged; that the allegations made in the F.I.R. are false; that the petitioners/accused Nos.1 to 3 are innocent persons and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioners/accused Nos.1 to 3.

5. As per the report, dated 26.12.2018, lodged by the *de facto* complainant/father of the deceased Gangabhavani, marriage of the deceased Gangabhavani was performed with the petitioner/accused No.1 on 21.05.2017. At the time of marriage, cash of Rs.10,00,000/-, four tulas of Gold and valuables worth Rs.1,00,000/- were given. It was promised that further amount

of Rs.10,00,000/- would be paid on the retirement of the *de facto* complainant, who is a worker of Singareni Collieries. But, without waiting for the retirement of the *de facto* complainant, all the petitioners/accused Nos.1 to 3, along with other accused in this case, started harassing the deceased Gangabhavani for the balance dowry amount of Rs.10,00,000/-. There are allegations of demand of additional dowry, even after the deceased Gangabhavani has begotten a female child on 11.09.2018. There is also allegation that there was a proposal to perform the marriage of the petitioner/accused No.1 with his cousin. There are several other specific allegations in the F.I.R. The investigation conducted by the police also reveals the continuous physical and mental torture meted out to the deceased Gangabhavani, ultimately, driving her to commit suicide on 26.12.2018 by hanging. The gravity of the offences alleged against the petitioners/accused Nos.1 to 3 is high. Number of instances were written in the report, dated 26.12.2018, lodged with the police. Under these circumstances, the petitioners/accused Nos.1 to 3 are not entitled to bail under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

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

March 25, 2019.
MD

Dr. SHAMEEM AKTHER, J