

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO. 3058 of 2019

ORDER :

1. The petitioners, who are accused Nos.2 to 5, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.113 of 2019 of Kazipet Police Station, Warangal, registered for the offences punishable under Sections 498-A, 304-B read with Section 34 IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. The case of the prosecution is that one Damera Arun Kumar gave a report on 25.05.2019 to the Station House Officer, Kazipet Police Station *inter alia* stating therein that his sister Harishita Devi was given in marriage to one Nagula Shiva Prasad on 17.02.2017. It is alleged that an amount of Rs.5 lakhs was given by way of dowry, Rs.75,000/- was given for purchase of vehicle and in addition to that cash of Rs.20,000/- were given, one gold chain, ring and bracelet and also a sum of Rs.50,000/- was given for house hold articles. It is further alleged that his sister was harassed for payment of additional dowry by her husband and in-laws and petitioner Nos.3 and 4. It is also alleged that earlier when a complaint was given in Mahila Police Station, counseling was conducted, but there was no change in their attitude and the harassment towards the deceased increased. Unable to bear the harassment, his sister committed suicide on 25.05.2019. Basing on the said complaint, a case in Crime No.113 of 2019 came to be registered for the offences punishable under Sections

498-A, 304-B read with Section 34 IPC and Sections 3 and 4 of Dowry Prohibition Act.

3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor.

4. It is submitted by the learned counsel for the petitioners that the petitioners have not committed any offence as alleged by the prosecution, much less to say that the offence for which they have been charged. It is further submitted that petitioner No.3 is the daughter of petitioner Nos.1 and 2 and her marriage was solemnized about 16 years ago, she has been blessed with two children aged about 14 and 12 years and petitioner No.3 is working as a teacher in a private school in Hyderabad and her husband is also working in private agency. Petitioner No.3 has no concern with the family affairs of accused No.1 and his wife. Petitioner No.3 never visited the house of accused No.1 after their marriage, nor she harassed the deceased for payment of additional dowry. It is also submitted that petitioner No.2 is a retired employee and he along with his wife are residing with petitioner No.4 in Hyderabad. Petitioner No.4 got married in the year 2015 and he is working as a Senior Manager in Kotak Mahendra Bank at Madhapur Regional Branch from 2015. Petitioner No.4 is busy with his work and is taking care of his old aged parents. It is also submitted that the deceased gave birth to a baby boy on 18.05.2018, who died after three days after his birth and the doctors on examination found a cyst in the ovaries of the deceased and accordingly the two ovaries of the deceased were removed to save her life. After discharging from the hospital, the deceased went in

depression as she could not beget children and accordingly she committed suicide in the absence of her husband in the house. The medical report of the deceased clearly shows that the deceased was suffering from some ailments. It is further submitted that the petitioners did not harass the deceased for payment of additional dowry. In fact, the petitioners did not reside with the deceased and her husband after marriage.

5. Learned Additional Public Prosecutor vehemently opposed the application and stated that there are allegations against the petitioners that they have demanded additional dowry from the deceased. The investigation is still going on. At this stage, if the petitioners are released on anticipatory bail, there is every chance of tampering the witnesses.

6. Looking into the nature of allegations leveled against the petitioners, the gravity of the offences and the facts and circumstances of the case, I am not inclined to consider the request of the petitioners for grant of anticipatory bail. However, if the petitioners surrender before the Court concerned and moves an application for bail, the same shall be considered expeditiously, in accordance with law.

7. Accordingly, the Criminal Petition is disposed of.

JUSTICE G. SRI DEVI

20.06.2019
vnb

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Date: 20.06.2019

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