

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4920 of 2019

ORDER :

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/Accused Nos.2 and 3 for grant of bail in Crime No.86 of 2019 of Chityal Police Station, Jayashankar-Bhupalapally, registered for the offences punishable under Sections 498-A, 302 and 304-B read with 34 I.P.C and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners/accused No.2 and 3, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. The case of the prosecution is that the marriage of the deceased Azmira Anitha with accused No.1 was performed on 12.04.2018. At the time of marriage, cash of Rs.15,00,000/-, motorbike, 17 tulas of gold apart from other customary articles as dowry to accused No.1. The deceased and accused No.1 were lived happily for a period of three months and thereafter, the present petitioners/accused Nos.2 and 3 and accused No.1 started harassing the deceased both physically and mentally for want of additional dowry and when the deceased failed to bring the same, the present petitioners along with accused No.1 beat her on 05.06.2019 indiscriminately and hit her head to a wall mercilessly while the deceased was carrying sixth moth pregnancy. Due to which the deceased fell unconscious. Thereafter, she was shifted to M.G.M. Hosipital, Warangal, by accusd Nos.1 to 3, where she declared as dead.

4. Learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution,

much less the offences to which they were charged; that accused No.1, who is husband of the deceased, while taking her to hospital on his motor cycle, an accident took place, as a result of which, the deceased received injuries and died; that the petitioners never harassed the deceased for additional dowry as alleged by the prosecution; that the petitioners are residing away from the deceased and accused No.1; that entire investigation is completed in this case and hence, he prays to grant bail to the petitioners.

5. Learned Additional Public Prosecutor representing the respondent/State vehemently opposed grant bail to the petitioners stating that the investigation is still pending and if the petitioners are released on bail, there is every possibility of tampering the witnesses and hence, he prays to dismiss the application.

6. A perusal of the Remand Case Diary *prima facie* shows that the present petitioners along with accused No.1 harassed the deceased both physically and mentally to bring additional dowry of Rs.10,00,000/-, 32 inches Home theatre towards Deepavali festival, otherwise they will send the deceased to her parents house. Though the *de facto* complainant expressed his inability to give the same, he had given cash of Rs.23,000/-, 32-inches of Home Theatre towards Deepavali festival. Even though accused Nos.1 to 3 did not satisfy for the same and continued their harassment towards the deceased. While so on 05.06.2019 the present petitioners along with accused No.1 indiscriminately hit the head of the deceased to the wall knowing fully well that the deceased was carrying pregnancy of six month. Due to which the deceased fell unconscious and died while undergoing treatment.

7. There are specific allegations against the present petitioners that they harassed the deceased both physically and mentally for additional dowry knowing fully well that she is carrying sixth month pregnancy. The deceased died within 1 ½ year of her marriage in unnatural circumstances at her in-law's house. Therefore, looking into the nature of allegations and gravity of offence, I am not inclined to grant bail to the petitioners. Hence, the petition is liable to be dismissed.

8. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

AUGUST 21, 2019

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Date:21.08.2019

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