

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5435 of 2019

ORDER:

This Criminal Petition under Section 438 of Cr.P.C. seeking anticipatory bail, is filed by the petitioner, who is Accused No.1, in Crime No.166 of 2019 on the file of the Station House Officer, Nampally Police Station, Hyderabad, registered for the offences punishable under Sections 498-A and 306 IPC (later the Section 306 is altered to 304-B IPC) and Sections 3,4 and 6 of the Dowry Prohibition Act(these sections are added later).

The case of the prosecution is that on 19.06.2019 the defacto-complainant, who is father of the deceased-Simrah Firdaus, lodged a complaint stating that his only daughter was given in marriage to the petitioner, who was working in Behrain. After that the couple lived happily for 15 days and thereafter the petitioner and his mother started harassing the deceased physically and mentally for additional dowry, that on 05.01.2019, the petitioner went back to Behrain, that thereafter the petitioner's mother started harassing the deceased, due to which the deceased returned to her parents house, that later they received a divorce letter from the petitioner from Behrain. While so, on the date of complaint when the incident was taken, the defacto-complainant was while in office, he received a call from his father that the deceased was not opening her bedroom door. On that he immediately rushed to home and on broke opening the door, he saw his daughter committed suicide by

hanging to the ceiling fan with a chunni. Basing on the said complaint, the police registered the above crime.

Heard learned counsel for the petitioner/Accused No.1 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner/Accused contends that since the stay of the deceased is only for a brief spell of time, there is no scope to inflict such cruelty and harassment against the deceased and moreover, the deceased was in association with his parents for only a month. The petitioner submits that there cannot be any abetment to commit suicide as they were already decided to part with. He sent divorce letter to her only with an intention to avoid future misunderstandings. Since the deceased hails from affluent family, there is usually scope for losing temper even over trivial issues. Neither in the original First Information Report nor in the suicide note, there is no whisper of dowry so as to constitute Sec.498-A IPC. It is only later on, at the instance of the Asst. Commissioner of Police, Section 306 IPC has been altered to 304(B) IPC and Sections 3,4 and 6 have been added, though those sections have no application to the present facts. The petitioner is ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if he is released on anticipatory bail in the event of his arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

A perusal of the contents of the complaint and the record discloses that the marriage of the deceased and the petitioner/A.1 took place on 25.11.2018 and during the subsistence of the marriage, the divorce petition was sent to the deceased by the petitioner from Behrain on 05.01.2019 and thereafter only she committed suicide.

Thus looking into the serious allegations levelled against the petitioner/Accused No.1 about the involvement of the petitioner in the offences supra, I am not inclined to grant anticipatory bail to the petitioner/Accused No.1.

Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

11.09.2019.
Vvr

HON'BLE JUSTICE G. SRI DEVI



CRIMINAL PETITION No.5435 of 2019

Dt.11.09.2019

vvr

24.06.2019
Msr

