

THE HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6903 of 2019

ORDER:

This criminal petition is filed under Section 439 (2) Cr.P.C. seeking cancellation of anticipatory bail granted to respondent Nos.2 to 5/A2 to A5 in Cr.No.234 of 2019 on the file of Kachiguda Police Station, Hyderabad, registered for the offence under Section 304-B IPC, vide order dated 24.09.2019 in Crl.M.P.No.3332 of 2019 on the file of the II Additional Metropolitan Sessions Judge, Hyderabad.

2. The case of the prosecution is that the marriage of the daughter of the de-facto complainant was performed with A1 on 01.07.2018 and they gave a sum of Rs.18,00,000/- towards dowry to A1. After one month of their marriage, A1 along with A2 to A5 used to harass his daughter mentally and physically by demanding additional dowry of Rs.2,00,000/-, due to which, his daughter came to his house in the month of July and residing in his house since two months and informed about the harassment made by the accused for additional dowry. On 08.09.2019, A1 to A5 came to the house of the de-facto complainant and quarreled with his daughter and left from home, and thereafter, his daughter went into depression and committed suicide by pouring kerosene and setting fire to herself on 10.09.2019 because of the harassment made by A1 to A5. Based on the said report, a case in Crime No.234 of 2019 was registered by the Police, Kachiguda, for the offence punishable under Section 304-B IPC. A1 was arrested on 12.09.2019 and remanded to judicial custody. Whereas, A2 to A5 filed Crl.M.P.No.3332 of 2019 before

the Court below seeking anticipatory bail. After considering the material on record, the Court below granted anticipatory bail to A2 to A5. Aggrieved by the same, the present criminal petition is filed by the petitioner-de-facto complainant.

3. Though respondent Nos.2 to 5/A2 to A5 appeared through their counsel, no counter-affidavit is filed.

4. Learned counsel for the petitioner-de-facto complainant mainly contends that the Court below ought to have seen that there are specific overt acts against A2 to A5 in harassing the deceased and her family members for additional dowry. He submits that the Court below has wrongly exercised its discretion and granted anticipatory bail to A2 to A5 without considering the nature and gravity of accusation made against them. He further submits that the accused are sending people to the house of the de-facto complainant and threatening to withdraw the complaint. Thus, he prays to cancel the anticipatory bail granted to A2 to A5.

5. On the other hand, learned counsel for respondents 2 to 5/A2 to A5 contends that there is no material to show that A2 to A5 have threatened the prosecution witnesses. He further submits that the trial Court having observed that there are no specific allegations against A2 to A5 regarding demand of dowry and keeping in view the health condition of A2 and since A3 to A5 are married sisters of A1 and residing away from the family of A1, granted anticipatory bail to them.

6. As per the case of the prosecution, the deceased came to her parents' house in the month of July, 2019 and residing therein since two months from the date of her death, and that on 08.09.2019, all the accused came to the house of the de-facto complainant and quarreled with the deceased, due to which, she went into depression and committed suicide by setting fire to herself on 10.09.2019 at her parents' house. Though there are allegations of demand of dowry, there is no specific allegation that A2 to A5 demanded additional dowry and also on 08.09.2019 when they quarreled with the deceased. It is stated that A3 to A5 being married sisters of A1 were residing away from the house of A1 and the deceased. The trial Court, while granting anticipatory bail, has considered all the material on record including medical documents of A2 and also directed A2 to A5 not to interfere with the investigation, tamper with the evidence and threaten the witnesses. Further, there is no material to show that A2 to A5 are trying to tamper with the evidence or threaten any witness. Hence, I do not find any reason to interfere with the order impugned. Thus, the prayer of petitioner to cancel the anticipatory bail granted to A2 to A5 is rejected.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

JUSTICE G. SRI DEVI

21st January, 2020.
sj