

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.7440 of 2019

ORDER:

This Criminal Petition, under Sections 437 and 439 Cr.P.C., is filed by the petitioner/accused No.1 seeking to enlarge him on bail in Crime No.451 of 2019 on the file of Alwal Police Station, Cyberabad District, registered for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution in brief is that the de facto complainant lodged a complaint stating that the marriage of her daughter-the deceased was performed with the petitioner giving 5 lakhs cash, etc., as dowry; that after three weeks of marriage, the husband and in-laws of the deceased started harassing her physically and mentally demanding additional dowry of Rs.3 lakhs and 3 tulas of gold; that on 31.7.2019, the petitioner left the deceased at her sister's house and did not take her to matrimonial home, due to which, her health condition became very miserable and she was admitted in NIMS Hospital on 16.9.2019; and that on 17.9.2019, the petitioner came to the hospital and went away without providing any financial help. Hence, the complaint.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him; that the de facto complainant suppressed the fact that the deceased is suffering from ailments and got her married to the petitioner; that the deceased was arrogant and she was intending to set up a separate family and wanted to lead a lavish life; that the deceased was not caring her in-laws; that she left the petitioner's house on 31.7.2019 without informing the petitioner and her in-laws and had been staying in her parents house; that she was affected with dengue and was admitted in Woodland Hospital and for the purpose of her treatment, the petitioner has spent a sum of Rs.5 lakhs; and that even after the brain operation of the deceased at NIMS Hospital, she could not survive and died on 23.10.2019. Learned counsel further submitted that the de facto complainant i.e., mother-in-law of the petitioner with an ill intention created a story and foisted a false case against the petitioner; that the petitioner has never demanded any dowry; that petitioner is a private employee in Apollo Health Care and if he is taken into judicial custody, his entire family will suffer great hardship and there is every likelihood of his losing employment; and that the petitioner is a law abiding citizen and he is ready to furnish sufficient sureties to the satisfaction of the Court and to abide by any conditions that may be imposed by this Court in the event of his enlargement on bail. Hence, the learned counsel prayed to enlarge the petitioner on bail in the aforesaid case.

5. Learned Additional Public Prosecutor opposed to grant bail to the petitioner.

6. As seen from the contents of the F.I.R., it is clear that this is a case registered under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. The deceased died within ten months of her marriage with the petitioner. The investigation is still in progress. The reasons for the death of the deceased within a short span after her marriage are yet to be ascertained. If the petitioner is released on bail at this stage, there is every possibility that he tampers with the evidence and proper investigation may not be done.

7. In the light of the above and looking into the facts and circumstances of the case and since investigation in this case is yet to be completed by the Investigating Officer, I am not inclined to release the petitioner on bail at this stage.

8. Accordingly, the Criminal Petition is dismissed.

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

22nd January, 2020
dr

JUSTICE G.SRI DEVI