

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.548 of 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioners – Accused Nos.2 to 4 seeking bail in the event of their arrest in connection with Crime No.17 of 2022 on the file of Malakpet Police Station, Hyderabad, registered for the offences punishable under Sections 498-A, 307, 306 read with 511, 323 IPC and under Sections 3 and 4 of Dowry Prohibition Act and under Section 66-E of Information Technology Act, 2000-2008.

2. The case of prosecution is that the complainant has filed a private complaint stating that A1, at the instigation of A2 to A5, harassed her physically and mentally by demanding additional dowry and properties, and that on 13.11.2021, A1 stuffed her mouth with cloth to stop her from yelling, beat her severely, twisted her hand and caused bodily injuries to her by demanding additional dowry.

3. Learned senior counsel Sri D. Prakash Reddy, representing Smt D. Madhavi, learned counsel for the petitioners, submits that even if all the allegations are taken on its face value, the offences under Sections 307, 306, read with 511, 323 IPC are not attracted against the petitioners. Learned senior counsel submits that even as per the complaint, A2 and A3, who are father-in-law and mother-in-law of the complainant, are residing separately and A3, who is sister-in-law of the complainant, is also unconnected with the family affairs of A1. Learned senior counsel has drawn the attention of this Court to the private complaint stating that all the allegations are made against A1 and it is only stated that the petitioners have supported A1. He submits that in view of the matrimonial disputes between A1 and the complainant, all the family

members are implicated in this case. He submits that A1 was already arrested and remanded to judicial custody and the petitioners are innocent of the alleged offences and hence, their case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that A1 was arrested and the investigation is pending and so far, 6 witnesses were examined. He submits that there are allegations against the petitioners and they are not entitled for pre-arrest bail.

5. Learned counsel for the de-facto complainant Sri Vikram Ragi, submits that all the accused are staying together and there are specific allegations against the petitioners that they have harassed the complainant and as such, they are not entitled for pre-arrest bail.

6. Having heard the learned counsel on either side, perused the entire material on record. As per the complaint, though several allegations are made, at best, so far as these petitioners are concerned, the offences under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act may be attracted. Even as per the complaint also, it is stated that the complainant has disclosed the matter by calling her parents, who took her to the house of A2 and A3, and on seeing her condition, they got feared and insisted to leave their home and go to her parents' home. That itself shows that A2 and A3 are residing separately. Taking all these into consideration, this Court deems it appropriate to grant pre-arrest bail to petitioners/A2 to A4.

7. The Criminal Petition is allowed. Petitioners – Accused Nos.2 to 4 shall surrender before the Station House Officer, Malakpet Police Station, Hyderabad, in connection with Crime No.17 of 2022 within one week from today and on such surrender and executing a personal bond for

Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. On such release, the petitioners shall cooperate with the investigation. It is made clear that no further extension of time will be granted.

24th January, 2022

LALITHA KANNEGANTI, J

sj