

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1246 OF 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioners- Accused Nos.1 to 4 seeking bail in the event of their arrest in connection with Crime No.823 of 2021 on the file of Vanasthalipuram Police Station, registered for the offence punishable under Section 304-B I.P.C.

2. The case of the prosecution is that on 12.10.2021, the *de facto* complainant came to the police station and lodged a complaint stating that his younger daughter by name Vaddi Hemalatha's marriage was solemnized with petitioner No.1-Accused No.1 on 28.05.2019. At the time of marriage, they presented cash of Rs.6.00 lakhs and 15 tulas of gold as dowry. Petitioner No.1-Accused No.1 is doing job in Police Department. During their conjugal life, they were blessed with one daughter, aged about 14 months. Thereafter, petitioner No.1-accusedNo.1 is addicted to bad vices and harassing the complainant's daughter both physically and mentally for want of additional dowry. The family members of petitioner No.1 also beat her to bring additional dowry. The petitioner No.1 is also having illegal affairs with another woman. Unable to bear the same, on 12.10.2021 the complainant's daughter committed suicide by hanging herself. Hence, the complaint.

3. Sri Kondadi Ajay Kumar, learned counsel for the petitioners would submit that the petitioners are nothing to do with the alleged offence and a false case has been foisted against them. The offence alleged against the petitioners is under Section 304-B I.P.C. The father of the deceased has given complaint in a spur of moment. But, during the course of the statement recorded under Section 161 Cr.P.C. he categorically stated that the petitioners never demanded the deceased to get additional dowry. Since the complainant lost his daughter, he has given the present complaint in a heated moment against the petitioners. Therefore, the petitioners' case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor also did not dispute the fact that at the time of recording 161 Cr.P.C. statement of complaint, the complainant denied all the complaint averments and stated that due to some petty disputes between the petitioner No.1 and his daughter, his daughter committed suicide. Since his daughter died, he lodged the present complaint in a spur of moment.

5. Taking into consideration the 161 Cr.P.C., statement of the complainant and as the petitioners never harassed the deceased for additional dowry, this Court deems it appropriate to grant pre-arrest bail to the petitioners.

6. The Criminal Petition is allowed. Petitioners – Accused Nos.1 to 4 shall surrender before the Station House Officer,

Rachakonda Commissionerate, Vanasthalipuram, in connection with Crime No. 823 of 2021 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. It is made clear that no further extension of time will be granted.

LALITHA KANNEGANTI, J

18th February 2022

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Date:18.02.2022

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