

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NOS.9121 OF 2022 AND
9124 OF 2022****COMMON ORDER:****Crl.P.No.9121 of 2022**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.1 in Crime No.197 of 2022 on the file of Station House Officer, Ellanthakunta Police Station, Rajanna-Sircilla District registered for the offences punishable under Sections 498-A and 304-B of Indian Penal Code (IPC) and Section 4 of Dowry Prohibition Act.

Crl.P.No.9124 of 2022

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioners, who are arrayed as Accused Nos.2 and 3 in the event of their arrest in Crime No.197 of 2022 on the file of Station House Officer, Ellanthakunta Police Station, Rajanna-Sircilla District registered for the offences punishable under Sections 498-A and 304-B of Indian Penal Code (IPC) and Section 4 of Dowry Prohibition Act.

2. As the crime number in both the criminal petitions is one and the same and the petitioners are Accused Nos.1 to 3 in Crime No.197 of 2022, both the criminal petitions are heard together and disposed off by way of this common order.

3. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

4. The case against the petitioner/Accused No.1 is that he married the deceased five years prior to her death and she was blessed with three daughters. At the time of marriage, dowry was also given. However, two years after the marriage Accused No.1 and his parents started harassing the deceased for additional dowry of Rs.1,00,000/-. Panchayaths were held in the presence of elders several times and the petitioners were persuaded to lead marital life. However, twenty days prior to her death, the deceased was sent to her parents house and five days prior to her death, a notice for divorce was sent through an advocate. When questioned these petitioners allegedly insisted that additional dowry of Rs.1,00,000/- has to be given. On 06.09.2022 when the parents of the deceased went to their fields and came back, they found the deceased lying on the floor and observed

that she had consumed pesticide. When she was taken to the hospital she was treated, however, she died on the same day.

5. As seen from the allegations, the petitioners were insisting for additional dowry of Rs.1,00,000/-. However, several aspects were argued by the learned counsel for the petitioners stating that a legal notice was sent and divorce was sought and pursuant to which, the incident occurred at the house of the parents of the deceased.

6. Keeping in view the marital discord and also that there was an allegation of Rs.1,00,000/- dowry for the past three years, the prayer for regular bail of Accused No.1 and the prayer for anticipatory bail of Accused Nos.2 and 3 can be considered on conditions.

7. Accordingly, Criminal Petition No.9121 of 2022 is allowed and the petitioner/Accused No.1 is granted bail subject to the following conditions:

i) The petitioner/Accused No.1 shall execute personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of Additional Judicial Magistrate of First Class at Sircilla.

ii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

8. The Criminal Petition No.9124 of 2022 is allowed and the petitioners/Accused Nos.2 and 3 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.2 and 3 are directed to surrender before the Station House Officer, Ellanthakunta Police Station, Rajanna-Sircilla District within one week from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.2 and 3 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

9. After release on bail, the petitioners/Accused Nos.1 and 3 shall appear before the concerned Station House Officer on every Monday and Thursday between 10.00 A.M to 1.00 P.M, for a period of six (06) weeks and thereafter as and when required. The petitioner/Accused No.2 shall appear before the investigating authorities as and when required for the purpose of investigation.

Miscellaneous applications, if any pending shall stand closed.

Date: 26.10.2022
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K.SURENDER, J