

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 10231 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.1 in Crime No. 897 of 2021 on the file of Meerpet Police Station, registered for the offence punishable under Section 304-B read with Section 34 IPC., seeking bail.

2. Case of the prosecution is that on 29.01.2020, marriage of petitioner took place with Rajitha (hereinafter be referred to as 'deceased') and on 17.02.2021, they were blessed with a male child. While so, some months thereafter, petitioner and Accused Nos. 2 to 5 started harassing deceased both mentally and physically demanding additional dowry and for the land documents, and unable to bear the same, deceased committed suicide on 13.11.2021.

3. Learned counsel for petitioner submits that as per the averments of the complaint, with regard to feeding the minor child, there was a quarrel between Accused No.5 and deceased and petitioner tried to pacify the same and asked deceased to adjust, however, in an emotional moment, deceased committed suicide. He submits that reason for committing suicide is the solitary incident of that day, as such, the ingredients of Section 304-B IPC. are not at all attracted. Further, it is stated that petitioner and deceased are blessed with a boy and after death of deceased, parents of petitioner are taking care of him. It is

also stated that petitioner was arrested and remanded to judicial custody on 18.11.2021 and as material part of investigation is completed and he is languishing in jail for more than one month, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor, on the other hand submits that within one year from the date of marriage, unable to bear the harassment meted out by the accused for additional dowry, deceased committed suicide. He submits that so far, nine witnesses were examined and investigation is in progress, hence, at this stage, petitioner is not entitled for grant of bail.

5. Taking into consideration the averments in the complaint wherein it is stated that there was a dispute with regard to feeding the minor child and in that regard, an altercation took place between Accused No.5 and deceased and in an emotion, deceased committed suicide and further petitioner being father has to take care of their boy, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No. 1 shall be enlarged on bail in connection with Crime No. 897 of 2021 on the file of P.S. Meerpet on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of II Additional Metropolitan Magistrate, Cyberabad at L.B. Nagar.

LALITHA KANNEGANTI, J

