

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.255 of 2023

O R D E R:

This Criminal Petition is filed by the petitioners/Accused Nos.2 and 3 under Section 438 of the Criminal Procedure Code seeking anticipatory bail in Crime No.782 of 2023 of Jubilee Hills Police Station registered for the offences punishable under Section 304-B of Indian Penal Code.

02. Heard Sri Kiran Palakurthi, learned counsel for the petitioners/accused Nos.2 and 3 as well as Sri T.V.Ramana Rao, learned Additional Public Prosecutor for respondent/State.

03. As per the contents of the complaint filed by the mother of the deceased, the marriage of deceased was performed with accused No.1 in the year 2019. Subsequently, accused No.1 has stopped going for his employment and started doing business and had sustained huge loss and thereby he has taken the gold, which was

given to the deceased by her parents. He also taken Rs.5 lakhs and 2 acres of agricultural land situated at Mallavaram Village as dowry from her parents. The accused No.1 started harassing the deceased and pressurising her to sell the 2 acres of agricultural land. Unable to bear the harassment of accused No.1, the deceased consumed pesticide on 30.12.2022 and thereafter she was taken to Apollo hospitals but she died while undergoing treatment.

04. Learned counsel for the petitioners/accused Nos.2 and 3 and submitted that there are no allegations against these petitioners/accused Nos.2 and 3 who are parents of accused No.1. However, learned Additional Public Prosecutor has submitted that the names of the petitioners Nos.1 and 2 are found in the last lines of the complaint.

05. In order to attract an offence under Section 304-B of IPC, there should be cruelty or harassment meted out by husband or relatives of her husband. A perusal of the record available before the Court including the complaint and remand report of accused No.1, it is clear that the allegations

are totally against accused No.1, who has misused the money by doing bitcoin business and that he has also pledged the gold articles of the deceased. The last sentence of the complaint shows that the defacto complainant has requested the police to take action against petitioners/accused Nos.2 and 3. But, as per the record no allegations are made against petitioners by defacto complainant. Further both of them stated to have been living in different town.

06. Taking into consideration all the facts and circumstances explained, the petitioners/Accused Nos.2 and 3 are entitled for anticipatory bail.

07. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.2 and 3 are ordered to be enlarged on bail in the event of their arrest subject to following conditions:

i) The petitioners/Accused Nos.2 and 3 are directed to surrender themselves before Station House Officer, Police Station, Jubilee Hills, Hyderabad within one week from

today, and on such surrender, the petitioners / accused Nos.2 and 3 shall be enlarged on bail on their executing personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum by each of the petitioners to the satisfaction of Station House Officer, Police Station, Jubilee Hills, Hyderabad.

ii) The petitioners/Accused Nos.2 and 3 shall abide by the other conditions stipulated in Section 438 (2) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 11-01-2023
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