

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION NO.3062 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner – accused under Section 438 of Cr.P.C. seeking release in the event of arrest in connection with Crime No.123 of 2023 on the file of the Station House Officer (for short “SHO”), PS, Keesara, Rachakonda Commissionerate registered for the offences under Sections 498-A and 306 of IPC.

2. The case of the prosecution in brief was that the de-facto complainant lodged a report before the Police on 15.02.2023 at 08:30 AM stating that he got married his daughter Mounika with the petitioner on 09.02.2019 at Kandukuru Village, Tanguturu Mandal, Prakasam District and three (03) months after the marriage, due to the physical and mental harassment of the petitioner, his daughter came to him and got registered Crime No.171 of 2020 for the offences under Sections 420, 498 (A), 506 read with Section 34 of IPC and Sections 3

and 4 of Dowry Prohibition Act and they were blessed with a female child. Since then, the petitioner was neglecting his daughter and grand-daughter. In the month of January, the petitioner came to his house and informed his daughter in their presence that he did not like her and did not want to live with her and left the house with anger and asked her to die. Since then, his daughter went into depression and on 15.02.2023 morning at about 06:30 AM they found their daughter committing suicide by hanging to a ceiling fan. Basing on it, the Police registered a case in Crime No.123 of 2023 for the offences under Sections 498-A and 306 of IPC against the petitioner.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. The learned counsel for the petitioner submitted that the wife of the petitioner led marital life with him for 20 days only and thereafter started harassing the petitioner for one reason or the other and to put up a separate family at Kandukuru and when the petitioner refused for the

same, she left his company and went to her parents' house. She did not even inform about the birth of the child. Despite the petitioner requesting his wife several times to come and join him and sent mediators, she refused to join him and further lodged a police report against him, his family members and relatives at Kandukuru Town Police Station with false allegations vide Crime No.17 of 2020 for the offences under Sections 420, 498-A, 506 read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act. The petitioner got issued a legal notice to her on 12.01.2021 demanding her to join him in conjugal life. Even after receiving the said notice, she did not turn up nor issued any reply notice. The petitioner did not even know the address of the complainant at Hyderabad. The allegation that he visited their house in the month of January and instigated his wife to die was a false one. The petitioner was apprehending his arrest. He had no criminal antecedents and prayed to release him on anticipatory bail.

5. The learned Additional Public Prosecutor opposed the bail application.

6. Perused the record. Considering the allegations against the petitioner made by the de-facto complainant, as the daughter of the de-facto complainant and the petitioner were residing separately since 2019 itself and the complaint lodged by the defacto complainant itself would disclose that the petitioner came to their house in the month of January, 2023 and abused his wife (the daughter of the complainant) and instigated her to die, but the incident of suicide occurred on 15.02.2023 with a gap of more than 1 ½ month and the complaint would also disclose that the deceased went into depression and she committed suicide under depression, it is considered fit to allow the petition.

7. In the result, the Criminal Petition is allowed and the petitioner is granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioner is directed to surrender before the SHO of PS Keesara within a period of fifteen (15) days from today, and on such surrender the SHO, PS Keesara shall release the petitioner on anticipatory bail

on his executing a personal bond for a sum of Rs.10,000/- with two sureties each for the like sum to the satisfaction of the said SHO of PS Keesara with a condition that he should co-operate with the investigating agency and should appear before them as and when required by the investigating agency.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. G.RADHA RANI, J

03rd April, 2023
nsk.