

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION NO.3134 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners – A2 to A4 under Section 438 of Cr.P.C.to enlarge the petitioners on bail in the event of their arrest in Crime No.101 of 2023 of PS Malakpet registered for the offence under Section 304-B of IPC.

2. The case of the prosecution in brief was that on 20.03.2023 at 08:00 PM, the father of the deceased lodged a report before PS Malakpet stating that his daughter (the deceased) performed love marriage with K.Avinash, Police Constable (A1) who worked in Tirumalagiri Police Station on 06.06.2016 and they were blessed with a baby girl who was aged five years. His son-in-law was addicted to alcohol and was harassing his daughter for additional dowry. Even though, he got counseling in women Police Station, his behavior did not change. The complainant gave an amount of Rs.2.00 lakhs for purchase of car. On 20.03.2023 at 4:30 PM, his son-in-law called his wife and informed her over phone that their daughter was fighting with him for the past half an hour. On that, his wife requested him not to fight. At about 5:30 PM, his son-in-law called him over phone and informed that his daughter hung herself with a saree in the house and died. Upon which, he along with his wife rushed to the Yashoda Hospital and found his daughter lying dead.

3. Basing on the said report, Police registered a case in Crime No.101 of 2023 under Section 304-B of IPC.

4. The learned counsel for the petitioners submitted that the 1st petitioner was the father-in-law, 2nd petitioner was the mother-in-law and the 3rd petitioner was the sister-in-law of the deceased. The complaint would reflect that the marriage of A1 and deceased was performed on 06.06.2016 at Arya Samaj and both of them resided at Malakpet. Since the date of marriage, the petitioners and A1's family did not live together. In the entire complaint, no allegation was made against the petitioners to attract the offence under Section 304-B of IPC. The deceased never lived with the petitioners herein, as such, the question of harassment would not arise. He further submitted that the marriage of the 3rd petitioner was performed in the year 2013 i.e. three years prior to the marriage of the accused No.1 and she was residing at her matrimonial home with her husband and in-laws. She was never involved in the disputes between the 1st accused and the deceased. The petitioners belonged to SC community and they were humiliated several times by the defacto complainant as they belonged to BC community but unfortunately his daughter got married the 1st accused. The 1st petitioner was a retired court employee and the 2nd and 3rd petitioners were house wives and prayed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioners.

6. On a perusal of the complaint, there were no allegations made against the petitioners by the defacto complainant. As per the inquest panchanama also, the deceased committed suicide at her residence on 20.03.2023 due to the dispute between her and her husband and due to his addiction to alcohol. As the petitioners were residing separately and the remand report of A1 who was arrested on 20.03.2023 would disclose that the address of A1 and the petitioners was not one and the same and it would show that they were residing separately and the petitioner No.3 / A4 was a married woman who was not residing along with her brother or parents but with her husband in a separate address, it is considered a fit case for grant of anticipatory bail to the petitioners.

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

- (i) The petitioners are directed to surrender before the Station House Officer (for short "SHO") of PS Malakpet within a period of fifteen (15) days from the date of this order, and on such surrender, the SHO of PS Malakpet shall release the petitioners on bail on their executing a personal bond for a sum of Rs.15,000/- with two sureties each for the like sum to the satisfaction of the said SHO. The petitioners

shall comply all the conditions as laid down under Section
438 (2) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. G.RADHA RANI, J

06th April, 2023
nsk.