

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4058 of 2023

ORDER:

Heard Sri K.Srinivas, learned counsel, who argued on behalf of Sri K.David Paul, learned counsel on record for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioners who are arrayed as accused Nos.2 to 4 in Crime No.143 of 2023 of Chandanagar Police Station, Cyberabad.

3. Stating that the petitioners have not committed any offence whatsoever, learned counsel for the petitioners submits that petitioner Nos.1 and 2 are the parents and petitioner No.3 is the sister of accused No.1. Learned counsel states that accused No.1 and the deceased-Sowmya fell in love with each other and got married and thus, there is no involvement of the petitioners whatsoever in their affairs. Learned counsel also submits that the deceased-Sowmya died by consuming some tablets and the reasons are not known. Learned counsel further submits that the Remand

Report also reveals no allegations against the petitioners and thus, anticipatory bail may be granted.

Learned Additional Public Prosecutor submits that the case is still under investigation and the involvement of the petitioners in the case is yet to be culled out.

The matrix of the case, as could be perceived through the contents of the complaint and Part-I Case Diary, is that the deceased-Sowmya and accused No.1 fell in love with each other. Both the families agreed for marriage and therefore, marriage was solemnized. However, one two wheeler and household articles besides 25 tulas of gold were given as dowry. After marriage, accused No.1, who was listening to the words of the petitioners, harassed the deceased-Sowmya for additional dowry. Accused No.1 kicked the deceased-Sowmya in her stomach while she was pregnant and therefore, the pregnancy got aborted. The deceased-Sowmya, thereafter, consumed BP tablets and she was shifted to hospital, but while undergoing treatment, she passed away.

The Assistant Commissioner of Police, Miyapur Division, who produced the Remand Report, while seeking accused No.1's remand, made a mention that the

involvement of the petitioners is to be verified and *prima facie* case for the offence punishable under Section 304B IPC is established against accused No.1. Taking into consideration the said endorsement and as there are no grave allegations against the petitioners, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

7. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioners/accused Nos.2 to 4 are directed to surrender before the Court concerned within ten (10) days. On such surrender, they shall be enlarged on bail on each of them executing a personal bond for Rs.40,000/- (Rupees Forty thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

(ii) In case, the petitioners/accused Nos.2 to 4 hold passports, they are directed to surrender the same.

(iii) The petitioners/accused Nos.2 to 4 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.2 to 4 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.2 to 4 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.2 to 4 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.2 to 4 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) The petitioners/accused Nos.2 to 4 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.2 to 4 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.2 to 4 shall report before the Station House Officer, Chandanagar Police Station, Cyberabad on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.2 to 4 shall file separate affidavits before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioners shall intimate the court concerned by giving fresh separate affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

28.4.2023
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