

HON'BLE SRI JUSTICE A. SANTHOSH REDDY

CRIMINAL PETITION No.4065 of 2023

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos.2,3,5,6 and 7 in Cr.No.108 of 2023 on the file of Humayun Nagar Police Station, Asifnagar Division, Hyderabad, registered for the offences punishable under Sections 120-B, 304-B, 498-A read with Section 149 IPC, seeking bail.

2. Heard learned counsel for the petitioners Mr. S.M.Saifullah, learned counsel for respondent No.2-de-facto complainant Sri Aditya and learned Assistant Public Prosecutor for the respondent-State.

3. The case of prosecution is that on 22-03-2023 at 18-00 hours, the de-facto complainant Mr. Mohammed Ghouse Abbasi lodged a complaint stating he performed the marriage of his daughter, by name, Afnan Mohammed Ghouse Abbasi with A1 on 01-07-2022 at Mehboob Pride, Attapur, Hyderabad, as per Muslim rites and customs and he gave a sum of Rs.5,00,000/-, 25 tulas of gold, 25 tulas of silver jewelery and other household articles towards dowry. After marriage, A1 along with his family members used to harass the daughter of de-facto complainant mentally and physically by demanding additional dowry of Rs.50,00,000/- or one lakh dollar and they did not even provide basic amenities to her and they aborted her pregnancy. It is

stated that on 22-03-2023 at 12-30 noon, the de-facto complainant has received a phone call from the mother-in-law of his daughter stating that his daughter died. It is further stated that the accused have strangled and killed her for additional dowry and thereafter tampered the evidence and hence, he requested to take necessary action against the accused.

4. Learned counsel for the petitioners/A2, A3, A5, A6 and A7 submits that the petitioners are innocent and they have been falsely implicated in this case at the instance of the de-facto complainant. He submits that the petitioners have neither demanded money nor committed any of the acts as alleged by the prosecution.

5. Learned counsel for respondent No.2-de-facto complainant Sri Aditya submits that the petitioners are responsible for the death of the deceased and during her life time, they have harassed her by demanding additional dowry of Rs.50 lakhs or 1 lakh of Australian dollars and when she failed to meet their demand, she was subjected to harassment by the accused.

6. Learned Assistant Public Prosecutor submits that as per the Post Mortem Examination Report, the death of the deceased was due to hanging. He submits that A1 and A4 are absconding.

7. A perusal of the entire record would reveal that though there are allegations against the petitioners *prima facie* attracting the alleged

offences, it appears that the de-facto complainant has suspected that the death of the deceased was not natural death and it was due to harassment and in fact, the petitioners are responsible for her death. However, keeping in view the fact that major part of the investigation is completed, majority of the witnesses were examined and in view of the Post Mortem Examination Report that the death of the deceased was due to hanging, petitioners/A2,A3, A5, A6 and A7 can be enlarged on bail, however, on certain conditions.

8. The Criminal Petition is allowed. Petitioners - Accused Nos.2,3,5,6 and 7 shall be enlarged on bail on their executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the Metropolitan Sessions Judge, Hyderabad. Petitioners – Accused Nos.2,3,5,6 and 7 shall appear before the Station House Officer, Humayun Nagar Police Station, Asifnagar Division, Hyderabad, on every Sunday between 10.00 a.m., and 5.00 p.m., for a period of three months or till completion of investigation and filing of the charge sheet, whichever is earlier. However, the petitioners shall cooperate with the investigation and shall not leave the country without prior permission of the Court below.

A. SANTHOSH REDDY, J

4th May, 2023
sj