

HONOURABLE SMT. JUSTICE ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.4645 OF 2023

ORDER:

This petition is filed under Section 438 Cr.P.C., seeking pre-arrest bail to the petitioners/Accused Nos.2 to 5 in the event of their arrest in connection with Crime No.406 of 2023 of K.P.H.B.Colony Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 498-A, 307 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor representing the respondent-State.

3. The brief facts of the prosecution case are that the *de facto* complainant is working as a software engineer and her marriage was performed with Accused No.1, who is working in Central Excise Department, on 14.04.2022 at Rajampet, Annamaya District. At the time of marriage, on the demand of all the accused, the parents of *de facto* complainant gave gold worth Rs.1,00,00,000/- and net cash

of Rs.60,00,000/- towards dowry to the accused and after four days of the marriage, the *de facto* complainant along with her husband i.e. Accused No.1 came to Hyderabad. They lived happily for one month only and later Accused No.1 started demanding her to get additional dowry of Rs.30,00,000/- from her parents, for which the *de facto* complainant expressed her inability.

4. It is further alleged that Accused No.1 has burnt her shoulder with iron box and harassed her physically and mentally for demand of additional dowry and also threatened her to kill and the said acts were instigated by Accused Nos.2 to 4. He also tried to pour kerosene and lit fire. On 20.08.2022, Accused No.1 caught hold of her neck and pushed her on the floor, as a result of which, she sustained injuries on her neck and on hearing her cries, her brother, who is staying in the next room came to her rescue. Further, Accused No.1 pounced upon her brother and also threatened him not to interfere.

5. It is further alleged that later, vexed with the attitude of the accused, the *de facto* complainant tried to commit suicide

by cutting her left hand wrist and her brother took her to Anupama Hospital and after returning from the hospital when the *de facto* complainant and her brother were sleeping, her in-laws and husband left home by leaking gas in the kitchen. Hence, the *de facto* complainant preferred the complaint.

6. Learned counsel for the petitioners contended that accused Nos.2 to 4 are not residents of Hyderabad where the *de facto* complainant and accused No.1 are residing and they never harassed the *de facto* complainant as alleged in the complaint. It is also contended that petitioners/accused Nos.2 and 3, who are parents of Accused No.1 and residents of Kadapa district of Andhra Pradesh State, and petitioner/Accused No.4 is the sister of accused No.1 and petitioner/accused No.5 is the husband of petitioner/Accused No.4 and they are residents of Bangalore. He further submitted that the petitioners never instigated or abetted accused No.1 to commit the alleged offences.

7. On the other hand, learned Additional Public Prosecutor contended that the complaint was preferred by the victim for the alleged offences as there was harassment at the

instigation of the petitioners and, therefore, the learned Additional Public Prosecutor opposed for grant bail to the petitioners.

8. Perused the entire record. The record reveals that accused Nos.2 to 5 are not the residents of Hyderabad and there are no specific overt acts against them that they have instigated accused No.1 to harass the *de facto* complainant for demand of additional dowry.

9. Taking into consideration the fact that the petitioners are non-residents of Hyderabad, this Court is inclined to grant anticipatory bail to the petitioners/Accused Nos.2 to 5 with the following conditions:

- i) The petitioners/Accused Nos.2 to 5 are directed to surrender before the learned XV Additional Metropolitan Magistrate, Kukatpally, Cyberabad, on or before 25.05.2023. On such surrender, the said Magistrate shall release the petitioners/Accused Nos.2 to 5 on bail, on their executing personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Magistrate.

- ii) The petitioners/Accused Nos.2 to 5 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.
- iii) The petitioners/Accused No.2 to 5 shall not influence any witnesses or tamper any evidence.
- iv) The petitioners/Accused Nos.2 to 5 shall not enter into the territorial jurisdiction of Hyderabad except for the purpose of investigation till filing of the charge-sheet.

Accordingly, the Criminal Petition is allowed.

JUSTICE G.ANUPAMA CHAKRAVARTHY

11th May, 2023.
SVL/DS

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