

**THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY**

**CRIMINAL PETITION No.4748 OF 2023**

**ORDER:**

This Criminal Petition is filed under Section 438 of Cr.P.C., seeking anticipatory bail to the petitioners/accused Nos.3 and 4 in the event of their arrest in connection with Crime No.268 of 2023 of Subedari Police Station, Hanmakonda District, registered for the offence punishable under Section 304-B of Indian Penal Code.

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

3. The case of the prosecution, in brief, is that one Kunduru Malla Reddy, who is the father of deceased Niharika, lodged a complaint before the Police concerned stating that he performed the marriage of his daughter Niharika with accused No.1 and at the time of marriage, he had given dowry of Rs.3,00,000/-, one crore rupees worth of plot and 8 tulas of gold and he also gave Rs.2,00,000/- to petitioner No.1/accused No.3, who is the sister of accused No.1. Thereafter, his daughter joined the company of accused No.1 and out of wed-lock, they blessed with a baby girl. Later, all the accused harassed the deceased mentally and

physically demanding additional dowry of Rs.4,50,000/-. Vexed with the attitude of all the accused, the deceased committed suicide by hanging on 11.05.2023 at about 09.00 hours.

4. Learned counsel for the petitioners submits that accused No.1 is the husband and accused No.2 is the mother-in-law of the deceased. He further submits that petitioner No.1/accused No.3, who is the sister of accused No.1 and petitioner No.2/accused No.4, who is the husband of petitioner No.1, are living separately with accused No.1 and the deceased. He further submits that vague allegations have been made against the petitioners and that accused Nos.1 and 2 were arrested on 13.05.2023 and the learned Principal Sessions Judge, Hanumakonda, vide order dated 29.05.2023 in Crl.M.P.No.132 of 2023, while granting bail to accused No.2, rejected the request of accused No.1 for grant of bail. He also submits that the petitioners were falsely shown as absconding and therefore, prays for grant of anticipatory bail to the petitioners.

5. Learned Additional Public Prosecutor opposed the bail application stating that 12 witnesses have been examined and the investigation is still going on.

6. As seen from the contents of Remand Case Diary, vague allegations of dowry harassment are made against the petitioners and there is no specific accusation against the petitioners. So also, it is not the case of the prosecution that the petitioners were living with accused No.1 and the deceased at the relevant time or few days before committing suicide by the deceased.

7. In the said circumstances, the request of the petitioners can be considered on the following conditions:-

- i) The petitioners/accused Nos.3 and 4 are directed to surrender before the Court concerned, within two weeks from the date of receipt of a copy of this order. On such surrender, they shall be enlarged on bail, on their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties in a like sum each to the satisfaction of the Court concerned.
- ii) In case, the petitioners/accused Nos.3 and 4 hold passports, they are directed to surrender the same before the Court concerned.
- iii) The petitioners/accused Nos.3 and 4 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.

8. Accordingly, the Criminal Petition is allowed.

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**B.VIJAYSEN REDDY, J**

1<sup>st</sup> June, 2023.  
*va/svl*

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Date:01.06.2023

*svl/va*