

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.5762 AND 5643 OF 2023

COMMON ORDER :

1. Both the criminal petitions are filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioners, who are arrayed as accused Nos.2 to 4 in Crime No.41 of 2023 of Yerrupalem Police Station, Khammam District. The offence alleged against the petitioners is under Section 304-B of the Indian Penal Code.
2. As the crime number in both the criminal petitions is one and the same and the petitioners are accused Nos.2 to 4 in Crime No.41 of 2023, both the criminal petitions are heard together and disposed of by way of this common order.
3. The sum and substance of case of the prosecution is that the marriage between the deceased and accused No.1 was performed on 23.05.2021. At the time of marriage, 1 ½ acre land, Rs.3,00,000/- cash and eight (08) tuals of gold was given as dowry. Accused No.1 was a software engineer and he had been working for the last two years by staying at the village,

where the present incident was occurred. He allegedly demanded additional dowry of Rs.5,00,000/- and beat the deceased. They gave birth to a baby boy who is aged 11 years. Since, the harassment is continued, a panchayath was held in the village of the in-laws. After panchayath, Rs.2,00,000/- was given and the deceased was sent with accused No.1. Accused No.1 and present petitioners who are mother, father and sister of accused No.1 allegedly harassed for bringing Rs.2,00,000/- instead of Rs.5,00,000/-. Unbearable with the harassment, the deceased committed suicide by consuming poison.

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

5. The initial complaint shows that initial harassment and physical assault was done by accused No.1 only. The demand of Rs.5,00,000/- was also done by accused no.1. Further, the panchayath was also held in the village of parents of the deceased with regard to harassment of accused No.1 only. Subsequent alleged harassment was with regard to non-payment of total demanded amount of Rs.5,00,000/-. The present petitioners who are the mother, father and sister of accused

No.1 have not demanded Rs.5,00,000/-. When there was no demand from them with regard to Rs.5,00,000/-, it is improbable that they could demand the balance amount of Rs.3,00,000/-. The allegations are omnibus and general against the present petitioners.

6. In the said circumstances, it is a fit case to grant bail to the petitioners - accused Nos.2 to 4.

7. Accordingly, both the Criminal Petitions are allowed on the following terms and conditions:

- (i) The petitioners-accused Nos.2 to 4 are enlarged on bail in the event of their arrest in connection with FIR No.41 of 2023 on the file of the Station House Officer, Yerrupalem Police Station, Khammam District on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties to the like sum each to the satisfaction of concerned Station House Officer.
- (ii) The petitioners-accused Nos.2 to 4 shall appear before the Station House Officer, Yerrupalem Police Station, Khammam on every Sunday between 10.00 am and 05.00 pm, for a period of two (02) months.

- (iii) The petitioners-accused Nos.2 to 4 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

Date: 05.07.2023
pld/ns

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