

THE HONOURABLE SRI JUSTICE M.LAXMAN
CRIMINAL PETITION NOS.6146 AND 6268 OF 2023

COMMON ORDER :

Crl.P.No.6146 of 2023

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner, who is arrayed as Accused No.1 in Crime No.153 of 2023 on the file of Station House Officer, Narayanpet Police Station, Narayanpet District. The offences alleged against the petitioner are under Sections 498-A, 304-B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Crl.P.No.6268 of 2023

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioners, who are arrayed as Accused Nos.2 and 3 in Crime No.153 of 2023 on the file of Station House Officer, Narayanpet Police Station, Narayanpet District. The offences alleged against the petitioners are under Sections 498-A, 304-B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. As the crime number in both the criminal petitions is one and the same and the petitioners are Accused Nos.1 to 3, both the criminal

petitions are heard together and disposed of by way of this common order.

3. Briefly, the case of the prosecution is that the marriage between accused No.1 and the deceased was performed in the month of May, 2022. After the marriage, the deceased was joined with the company of accused No.1 at Yadgir District of Karnataka State. Subsequently, accused Nos.1 to 3 allegedly demanded additional dowry of Rs.2,00,000/- and also commented that the deceased do not know cooking and other household works and on multiple occasions, they harassed the deceased mentally and physically. Four months prior to the incident, the accused allegedly harassed and beat the deceased demanding additional dowry and asked her to die anywhere. On knowing the same from the deceased through phone, her parents went to the house of accused and brought her to their house. On 31.05.2023 accused Nos.1 to 3 went to the house of the deceased parents and demanded Rs.2,00,000/- and asked the deceased to die. Such unbearable harassment and demand of additional dowry, the deceased was committed suicide by hanging.

4. Heard learned counsel for the petitioners - accused Nos.1 to 3 and learned Additional Public Prosecutor for the respondent - State.

5. There are omnibus allegations against accused Nos.1 to 3 and there are no specific overt acts against each of the accused with regard to the role played by them and alleged demand of additional dowry and physical assault and mental harassment. Further, the incident occurred at the house of the deceased parents. The alleged visit of accused Nos.1 to 3 to the house of parents of the deceased is on 31.05.2023. The suicide by hanging was done on 01.06.2023. There was sufficient time to her. In view of the omnibus allegations and absence of medical evidence with regard to physical assault prior to the incident and considering the death of the deceased at her parents' house, the request of anticipatory bail for petitioners - accused Nos.2 and 3 can be considered.

6. However, the incident occurred within one year span from the date of marriage, there is a presumption of dowry death against accused No.1-husband. Therefore, it is not a fit case to grant regular bail to the petitioner - accused No.1 at this juncture.

7. Accordingly, Criminal Petition No.6146 of 2023 is dismissed; and Criminal Petition No.6268 of 2023 is allowed and the petitioners-accused Nos.2 and 3 shall be enlarged on bail in the event of their arrest on the following terms and conditions.

i) The petitioners-accused Nos.2 and 3 are enlarged on bail in the event of their arrest in connection with FIR No. 153 of 2023 on the file of Station House Officer, Narayanpet Police Station, Narayanpet 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 and 3 shall appear before the Station House Officer, Narayanpet Police Station, Narayanpet District on every Second Saturday between 10.00 am and 05.00 pm, for a period of four (04) months and they shall cooperate and respond to the notices issued by the investigating agency if their presence is required, during pendency of the investigation.

ii) The petitioners-accused Nos.2 and 3 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C.

Date: 20.07.2023
ns/pld

JUSTICE M. LAXMAN

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