

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.9568 of 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.3 seeking bail in the event of her arrest in connection with Crime No.129 of 2023 on the file of Garla Police Station, Mahbubabad District, registered for the offences under Section 304-B of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. The case of the prosecution is that the deceased was married to A-1. At the time of marriage, dowry was given. A-1 and the deceased lived happily for some years and they were blessed with two daughters who are aged 3 and 4 years. A-1 was an alcoholic and harassing the deceased for additional dowry. Several times, even this petitioner harassed the deceased saying that she brought less dowry. The harassment continued and unable to bear the harassment, the deceased had committed suicide.

4. Learned counsel appearing for the petitioner would submit that apart from the bald allegation in the complaint saying that the petitioner had commented that deceased had brought less dowry, there is no specific allegation to infer any kind of harassment.

5. On the other hand, learned Additional Public Prosecutor would submit that there is no presumption under Section 113(b) of the Evidence Act that they have committed an offence.

6. However, keeping in view that the children of the deceased are under the care of this petitioner and except bald allegation that this petitioner has commented the deceased saying that she brought less dowry and there is no allegation of any proximity with the death of the deceased against this petitioner, this Court deems it appropriate to grant the relief of anticipatory bail to this petitioner, subject to the following conditions:

- 1) The petitioner/Accused No.3 is directed to surrender before the Station House Officer, Garla Police Station, Mahabubabad District, on 20.10.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to his satisfaction.

2) On such release, petitioner/Accused No.3 shall appear before the concerned Station House Officer, for the purpose of investigation, as and when required.

3) The petitioner/Accused No.3 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.

7. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 13.10.2023
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Dt.13.10.2023

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