

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2173 of 2024

ORDER:

This Criminal Petition is filed by the petitioners – accused under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of their arrest in Crime No.31 of 2024 on the file of PS Peddapalli registered for the offences under Section 498-A of IPC and Section 4 of Dowry Prohibition Act.

2. The case of the prosecution in brief was that on 17.01.2024 at 18:00 hours, the de-facto complainant lodged a report stating that she was married with the Son of A1 during the year 2009 and was blessed with a daughter, who was aged about eight (8) years. Her husband died in the year 2021 due to COVID. Since then, she was residing along with her daughter at her in-laws house. Since the death of her husband, the accused persons i.e. her mother-in-law, brother-in-law, wife of her brother-in-law and her sister-in-law were harassing her physically and mentally to give the insurance money of her husband to them and were further stating that she was having no right to get the property pertaining to her husband and forced her to leave the house. After counseling, her father took her to her in-laws' house on 15.01.2024, but they continued the harassment and were not allowing her to live with them.

3. Basing on the said report, the above crime was registered.
4. Heard the learned counsel for the petitioners – accused and the learned Additional Public Prosecutor for the respondent – State.
5. Learned counsel for the petitioners submitted that the respondent – Police had issued notice under Section 41-A Cr.P.C. to the petitioners, but the petitioners were apprehending their arrest as they were called to the PS Peddapalli frequently from Hyderabad and prayed for grant of anticipatory bail to the petitioners.
6. Notice was served on the de-facto complainant through RPAD as per the Additional Public Prosecutor on 27.01.2024. But, there was no representation on behalf of the de-facto complainant.
7. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners.
8. Perused the record.
9. Considering the submissions of the learned counsel for the petitioners that the de-facto complainant was staying at her parents' house after the death of her husband in the year 2021 and the insurance amount of Rs.2,00,00,000/- (Rupees Two Crores Only) was also received by her in the year 2021 itself and she was seeking a share in the property of her mother-in-law i.e. the petitioner – A1,

which was her self-acquired property and that the complaint was lodged with false allegations as if she was staying with her in-laws after the death of her husband and though 41-A notice was issued to the petitioners, they were apprehending their arrest, it is considered fit to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime no.31 of 2024 on certain conditions.

10. In the result, the Criminal Petition is allowed and the petitioner – accused are granted anticipatory bail, subject to the following conditions:

(i) The petitioners – accused are directed to surrender before the Station House Officer, Peddapalli within a period of two (2) weeks from the date of this order, and on such surrender the Station House Officer, Peddapalli shall release the petitioners on bail on their executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for the like sum each to the satisfaction of said Station House Officer.

(ii) The petitioners – accused shall comply with all the conditions laid down under Section 438(2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition if any shall stand closed.

Dr. G.RADHA RANI, J

Date: 28th February, 2024
Nsk.