

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2807 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking anticipatory bail to the petitioners-Accused Nos.2 and 3 in Crime No.1069 of 2023 on the file of the Station House Officer, Chaitanyapuri Police Station, Hyderabad, registered for the offences punishable under Sections 498-A, 306 read with 511, read with 34 IPC, and 3 and 4 of the Dowry Prohibition Act (for short ‘DP Act’).

2. The case of the prosecution in brief was that on 05.12.2023 at 17.30 hours, the de facto complainant, father of the victim woman, lodged a report before the Police, Chaitanyapuri stating that he got married his daughter P. Aparna Reddy with P. Saikiran (A1) on 28.11.2013 and they were having two daughters. For the past two years, his son-in-law, his parents and sister were harassing his daughter physically and mentally for dowry and in particular, her husband i.e. A1 was abetting her to commit suicide and threatening her for divorce. He had affairs with many women. After several discussions and meetings between the elders of both the families, the de facto complainant brought his daughter to his home along with two kids. On 27.11.2023, the de facto complainant’s daughter visited

her in-laws' house situated at Malakpet and after returning from there at about 19.15 hours, she consumed sleeping pills and attempted to commit suicide. Immediately, they admitted her in Orange Hospital, L.B. Nagar for treatment. Basing on the said report, the above case was registered.

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

5. Learned counsel for the petitioners submitted that the marriage between the victim and A1 was a love marriage and also an inter-caste marriage. She was never put under any pressure from anyone. The daughter of the de facto complainant left the matrimonial home along with her children on 19.09.2023 on the ground that A1 was indulging in extra marital affairs and that she was having proof of the same. The daughter of the de facto complainant and her parents were demanding to transfer all the properties in the name of their daughter and grand children. As per the advice of elders, A1 executed a gift deed dated 12.02.2024 with regard to a property in his name in favour of the daughter of the de facto complainant, but still the de facto complainant and her daughter were threatening the petitioners that if the entire properties of the petitioners were not transferred, they would see that the petitioners would be put under bars and that a complaint was filed against them. Then only the petitioners came to

know about the present complaint, as such, prayed for grant of anticipatory bail to the petitioners-A2 and A3.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that there were averments in the complaint with regard to the role of the petitioners in commission of the crime.

7. Perused the record. Considering that the averments mentioned against the petitioners in the complaint are vague and omnibus in nature and no specific overt acts are attributed to them and the complaint was lodged 10 years after the marriage alleging demand of dowry, which *prima facie* appears to be suspicious, and as the statement of the victim was also not recorded till date though she was stated to be discharged from the hospital then itself, it is considered a fit case to enlarge the petitioners on anticipatory bail in the event of their arrest, on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioners - accused Nos.2 and 3 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners-Accused Nos.2 and 3 are directed to surrender before the Station House Officer, Chaitanyapuri Police Station, Hyderabad, within a period of 15 days from the date of this order. On such

surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for 2a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- 2) The petitioners-Accused Nos.2 and 3 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 15, 2024
KTL

Dr. G.RADHA RANI, J