

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3280 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.2 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) for grant of anticipatory bail in Crime No.127 of 2024 of Ameenpur Police Station, Sangareddy District, registered for the offences punishable under Section 304-B of Indian Penal Code, 1860 (for short, ‘IPC’) and Section 3 and 4 of Dowry Prohibition Act, 1961 (for short, ‘DP.Act’).

2. The case of the prosecution in brief was that on 09.03.2024 at 9:00 hours, the brother of the deceased lodged a report at Ameenpur police Station stating that his sister was married with accused No.1 in the year 2019 and they both were software employees and six months after their marriage, the accused No.1 started harassing the deceased physically and mentally demanding Rs.10,00,000/- as additional dowry and several panchayaths were held in the said regard. They were also having a son of one and half years of age. On 08.03.2024, at 5:34 P.M., the *de facto* complainant

made a video call to accused No.1 but he disconnected the call immediately after lifting it. On the same day, the younger brother of accused No.1 i.e., the petitioner herein had informed them over phone that his sister died and asked whether they received a call from Hyderabad. On receiving the information, they immediately rushed to his sister's residence situated at BHEL Metro Enclave and found her body hanging to a fan with legs leaned on the bed and found the missing of gold ornaments pertaining to his sister and also his nephew and stated that accused No.1 had handed over the gold ornaments to his younger brother i.e., the petitioner herein and concealed them.

3. Basing on the said report, the above crime was registered against A1 and A2 for the offences punishable under Sections 304-B of IPC and Section 3 and 4 of D.P.Act. Accused No.1 was arrested on 18.03.2024.

4. Heard Sri Nimma Narayana, learned counsel for the petitioner-Accused No.2 and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner/accused No.2 submitted that there were no allegations against the petitioner herein attracting the offences under Section 304-B of IPC or Sections 3 and 4 of Dowry Prohibition Act. To attract the offence under Section 304-B of IPC soon before her death, the deceased must be subjected to cruelty or harassment with regard to the demand of dowry but no such allegations were found in the complaint or in the remand report of accused No.1 against the present petitioner/accused No.2. He further submitted that the present petitioner was working as a Sarpanch of Dubbaka village and was residing at Dubbaka. The deceased and accused No.1 were software employees and were residing at Hyderabad and prayed to enlarge the accused No.2 on anticipatory bail.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the deceased died within seven years of her marriage and the allegations in the complaint would disclose demand of additional dowry of Rs.10,00,000/-. The gold ornaments of the deceased were also

reported to be taken away by the petitioner herein and opposed grant of anticipatory bail to the petitioner.

7. Perused the record.

8. Considering that the complaint or the remand report of accused No.1 would not disclose the presence of the petitioner at Hyderabad soon before the death of the deceased or any allegations of demand of additional dowry made by the petitioner herein or that the deceased was subjected to harassment by the present petitioner herein and considering the submissions of the learned counsel for the petitioner that the deceased three months prior to her death lodged a report which was registered as FIR No.686 of 2023 at Ameenpur Police Station, Sangareddy District reporting that she was a victim of an online fraud and had lost an amount of Rs.13,60,000/- in the online fraud, there is a suspicion that her death may not be the result of the harassment due to dowry. As such, it is considered fit to enlarge the petitioner/accused No.2 on anticipatory bail.

9. Accordingly, the Criminal Petition is allowed directing

the petitioner/accused No.2 to be released on anticipatory bail subject to the following conditions:

- i) The petitioner-Accused No.2 is directed to surrender before the Station House Officer, Ameenpur Police Station, Sangareddy District, within a period of (15) days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.
- ii) The petitioner/Accused No.2 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 28th March, 2024
dgr