

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3476 of 2024

ORDER:

This Criminal Petition is filed by the petitioners – A2 and A3 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of their arrest in Crime No.3 of 2023 on the file of PS Achampet, Nagarkurnool District, registered for the offences punishable under Section 304-B read with Section 34 of IPC.

2. The case of the prosecution in brief was that on 13.01.2024 at 08:00 hours, the *de facto* complainant – the father of the deceased lodged a report before the PS stating that his daughter Sindhu fell in love with one Nimmathota Nagarjuna, who was staying in the house of Dr. Katravath Krishna, the petitioner No.1 – A2 herein and was working under his control. In the presence of said Dr. Krishna, the said Nimmathota Nagarjuna and his daughter Sindhu performed inter-caste marriage in Aryasamaz at Hyderabad. After that, they led conjugal life happily only for a short period. Thereafter, Dr. Krishna, his wife Katravath Hymavathi (the petitioner No.2 – A3 herein), Nimmathota Swarna, mother of Nagarjuna, Mounika and Priyanka, the sisters of Nagarjuna used to harass his daughter physically and mentally with a demand to get additional dowry and Dr. sKrishna also harassed his daughter to fulfill his desire. His

Daughter Sindhu informed about the dowry harassment of Nimmathota Nagarjuna and his family members to his mother-in-law, Durgabhai and requested to save her. On 12.01.2024, he came to know that his daughter Sindhu committed suicide. The complainant stated that it was not suicide, due to unbearable dowry harassment of Dr.Krishna, his wife and the family members of Nagarjuna, his daughter Sindhu died.

3. Basing on the said report, the Crime No.3 of 2024 on the file of PS Achampet was registered for the offences punishable under Section 304-B read with Section 34 of IPC.

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

5. Learned counsel for the petitioners submitted that the petitioners were distant relatives of Accused No.1. Except providing a job and performing the marriage of A1 with the deceased daughter of the *de facto* complainant, the petitioners had no intervention in their marital life. The parents of the accused No.1 reside at Khammam District. The *de facto* complainant foisted a false case against the petitioners. He further submitted that on 13.01.2024, A1 - Nagarjuna, the husband of the deceased was murdered by the family members of the deceased and the Police Achampet registered Crime No.4 of 2024 under Sections 363-A, 302 read with Section 34 of IPC and 3(2)(v) of SC & ST

(Prevention of Atrocities) Act. As per the 161 Cr.P.C. statements of the witnesses and the confession panchanama in Crime No.4 of 2024 recorded by the Police, the deceased committed suicide on her own but not at the instigation or involvement of the petitioners and prayed for grant of anticipatory bail to the petitioners – A2 and A3.

6. Learned Additional Public Prosecutor contended that there was no relation between both the offences. The present case was against the petitioners along with the husband of the deceased under Section 304-B read with Section 34 of IPC. But the other case in Crime No.4 of 2024 was registered for the murder of A1 under Section 302 of IPC. Both these cases had to be looked independently. There were *prima facie* allegations against the petitioners with regard to harassment caused by them demanding additional dowry from the deceased and her parents. As such, the petitioners were not entitled for grant of anticipatory bail.

7. Perused the record.

8. Considering that the petitioners were not the immediate family members of A1 and that they only supported the inter-caste marriage between the deceased and A1 and as per the report given by the mother of A1 with regard to the death of her son in Crime No.4 of 2024 also, she stated that her son was living along with the deceased Sindhu separately in a rented room at Achampet

Village and Mandal and by demanding additional dowry from the deceased, it was not the family of the petitioners who would be benefitted and the case appears to be lodged against the petitioners to wreck vengeance against them for performing the inter-caste marriage of the complainant's daughter who belonged to a BC Community with the deceased A1, who belonged to Schedule Caste Community, it is considered fit to grant anticipatory bail to the petitioners.

9. In the result, the Criminal Petition is allowed and the petitioners –A2 and A3 are granted anticipatory bail subject to the following conditions:

(i) The petitioners – A2 and A3 are directed to surrender themselves before the Station House Officer of PS Achampet, Nagarkurnool District within a period of (15) days from the date of this Order, and on such surrender, the SHO of PS Achampet, Nagarkurnool District shall release the petitioners – A2 and A3 on bail on their executing a personal bond for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioners – A2 and A3 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C. and shall co-operate with the Investigating Officer in conducting the investigation.

As a sequel, miscellaneous applications pending in these petitions, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 1st April, 2024
Nsk.