

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.4269 of 2024

ORDER:

This Criminal Petition is filed by the petitioners/A2 to A6 under Section 438 of Cr.P.C. for grant of anticipatory bail in Crime No.254 of 2023 on the file of the Station House Officer, P.S. Borabanda, Hyderabad, which was initially registered under Section 174 of Cr.P.C. and later altered to Sections 304-B, 506 and 120-B of IPC.

2. The case of the prosecution, in brief, was that on 13.10.2023 at 12:00 hours, the *de-facto* complainant lodged a report stating that the deceased was his elder daughter, he got married her with one Vijay Kumar, who was none other than her cousin. They had two children by name, Arjun and Adithya. Both the children were mentally retarded. His daughter was working as a Government teacher in ZPHS, Banjara Hills for the past eight years. Daily his son-in-law and grandmother would take care of the two children. On 12.10.2023, while going to sleep, his daughter Jyothi stated to her husband that as she was having school holiday on the next day, she would take care of the children in the night and asked him to sleep in the upper portion where her mother-in-law would stay. On 13.10.2023 at 9:30 hours, when his son-in-law came

down, he noticed that the main door was left open and in the second room, Jyothi was found hanged to an iron grill above the door and the two minor children were also found dead. His son-in-law informed the incident to him over phone. Immediately, he came to his daughter's house and lodged the report stating that his daughter might have committed suicide worried about his grand children, who were mentally retarded and gave pesticide poison to them. Basing on the said report, the above crime was registered under Section 174 of Cr.P.C.. Subsequently, on transfer of the Inspector, the case file was handed over to the Inspector, who was posted in his place. He re-recorded the statements of the witnesses in which, they stated that on the demand of A1 along with A2 to A6 for additional dowry and unable to bear their harassment, the deceased No.1 committed suicide by hanging herself and gave poison to deceased Nos.2 and 3. Basing on the said statements, the Section of law was altered to Sections 304-B, 506 and 120-B of IPC.

3. Heard the learned counsel for petitioners/A2 to A6 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioners/A2 to A6 submitted that the police Borabanda recorded the statement of complainant and his wife i.e., parents of the deceased woman immediately after the incident in which

they had not stated about the demand of additional dowry. All the accused along with the parents of the deceased jointly performed the last obsequies of D1 to D3. They never expressed any kind of grievance against the accused persons including dowry harassment or any kind of harassment for giving birth to mentally retarded children. The second set of Section 161 Cr.P.C. statements of the complainant and his wife were recorded on 10.01.2024. The suicide note of the deceased woman also would reveal that she on her own committed suicide. No allegations were made against A1 to A6 in the said suicide note. However, the police of P.S. Borabanda suddenly arrested A1 on 18.03.2024 without issuing any notice under Section 41-A of Cr.P.C.. Afraid by the same, the petitioners moved this application and prayed to enlarge the petitioners/A2 to A6 on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners herein stating that in the 161 Cr.P.C. statements recorded by the police, the complainant and his wife stated about the harassment of A1 to A6 for additional dowry, as such, they were not entitled for grant of anticipatory bail.

6. Perused the record.

7. Considering the contents of the complaint and the suicide note of the deceased No.1 wherein no allegations were made against the accused persons-A2 to A6 and the witnesses also remained silent for a period of three months and only in their second set of Section 161 Cr.P.C. statements recorded on 10.01.2024, they stated that A1 to A6 harassed the deceased demanding additional dowry and the truth or otherwise of the said statements which were given after a long delay can be decided only after a full-fledged trial and as omnibus allegations were made against the petitioners, it is considered fit to enlarge the petitioners/A2 to A6 on anticipatory bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioners/A2 to A6 shall be released on bail subject to the following conditions:

- 1) The petitioners/A2 to A6 are directed to surrender before the Station House Officer, P.S. Borabanda, 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 a 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/A2 to A6 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 25.04.2024
ss

Dr. G. RADHA RANI, J