

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13265 of 2024

ORDER :

Petitioner/accused No.2 has filed this petition under Sections 480 and 483 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNSS') seeking regular bail in Crime No.1538 of 2024 of P.S. Narsingi, Cyberabad, registered for the offence under Section 80 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Sri. B.Akash Kumar, learned counsel appearing for petitioner and Mr. Syed Yasar Manoon, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution is that the deceased viz., Surya Laxmi Sai is the daughter of *de facto* complainant. On 30.10.2019, the marriage of deceased was performed with accused No.1 and at the time of marriage, certain amount of dowry was given to accused No.1. The couple shifted to Hyderabad and were living in a rented house and out of their wedlock, they were blessed with a baby boy. After the marriage, accused No.1 harassed the deceased physically and mentally to bring additional dowry. When a panchayat was held

before the elders, the deceased and accused No.1 lived happily for few days. Later, accused No.1 and his mother i.e., petitioner/accused No.2 have harassed the deceased to bring additional dowry and also stated that they could have got more dowry, if they had searched and married someone else and the same was informed by the deceased to her family members. While so, on 23.10.2024, accused No.1 picked up a quarrel with deceased on the context of dowry and beat her. Due to such unbearable harassment, vexed on her life, the deceased committed suicide by hanging.

4. Learned counsel for the petitioner would submit that accused No.1 and deceased were residing in a rented house at Hyderabad and the petitioner is residing separately at Kurnool and she never interfered with the marital affairs of deceased and accused No.1. He further submitted that there are no specific allegations against the petitioner to show that she has harassed the deceased to bring additional dowry. He further submitted that the petitioner is aged 54 years and suffering with several ailments. The petitioner is in jail since 24.10.2024 and the Investigating Officer has already examined (20) witnesses and there is no investigation pending. Hence, prayed for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor opposed for grant of bail to the petitioner stating that the offence under Section 80 of BNS is a serious offence and the punishment for the said offence may extend to imprisonment for life. Hence, prayed to dismiss the petition.

6. Having heard both the learned counsel and perused the material on record, it is apparent that the deceased and accused No.1 are living in a rented house at Hyderabad and the petitioner is residing separately at Kurnool. *Prima facie*, no specific allegations are levelled against the petitioner to show that she has harassed the deceased to bring additional dowry and major part of the investigation is completed. In the said circumstances, this Court is inclined to grant bail to the petitioner/accused No.2, subject to the following conditions:

- i) The petitioner/accused No.2 is directed to be released on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the learned II Additional Junior Civil Judge-cum-XIII Judicial Magistrate of First Class, Ranga Reddy District at Rajendranagar.

ii) The petitioner/accused No.2 shall abide by the conditions stipulated under Section 480 (3) of BNSS.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

K. SUJANA, J

Date: 12.11.2024
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