

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14718 of 2024

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.3 in Crime No.249 of 2024 on the file of the Moinabad Police Station, Cyberabad Commissionerate, registered for the offence punishable under Section 304B of Indian Penal Code, 1860 (for short 'IPC').

2. The brief facts of the case of prosecution are that the deceased was married to A1 on 29.10.2023, and subsequently, her father gave dowry of five lakhs as demanded by A1 and his mother/A2. However, A1 began harassing the deceased, suspecting her fidelity, and despite a panchayat being held, his behavior persisted. A1 and A2 then demanded a Swift car towards additional dowry, which the parents of the deceased could not afford. On 25.05.2024, A1 quarreled with the deceased over additional

dowry demand, leading to her suicide by hanging. The police registered a case and remanded A1 and A2 to judicial custody on 30.10.2024, while A3, the co-brother of A1, allegedly supported their actions, resulting in his implication in the case.

3. Heard Sri G.Anil Kiran Kumar, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioner submitted that the allegations leveled against the petitioner do not constitute an offence under Section 304B IPC and are false, fictitious, and made to implicate him falsely. He contended that the petitioner, being the husband of A2's sister, has no connection to the family of A1 and A2, and there are no specific set of allegations against him. He asserted that the petitioner is a law-abiding citizen with no previous criminal antecedents, hailing from a poor background, and his further detention would severely impact his life. He asserted that this is the first anticipatory bail application of petitioner and that the material portion of the investigation is

completed except for filing the formal charge-sheet. Therefore, prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations leveled against the petitioner are of serious nature and that the investigation is still under progress. Therefore, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the only allegation against the petitioner is that he had allegedly instigated A1 to harass the deceased. Except the said allegation, there are no other direct or specific set of allegations against the petitioner to show that petitioner has harassed the deceased or demanded additional dowry which resulted in committal of suicide by the deceased. Therefore, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to compliance of following conditions, and ensuring his presence during the investigation and trial:

- i. The petitioner shall surrender before the Station House Officer of Moinabad Police Station, Cyberabad Commissionerate, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 10.12.2024
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