

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3128 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.3, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.30 of 2025 of Sadasivpet Police Station, Sangareddy District, registered for the offences punishable under Sections 80 and 85 of Bharatiya Nyaya Sanhita (BNS) and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard Mr. B.Jithender, learned counsel for the petitioner/accused No.3 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 26.01.2025, the Station House Officer, Sadasivpet Police Station, received a complaint to the effect that the daughter of the complainant

viz., Yamuna was married to accused No.1 in the aforesaid crime on 26.05.2022 at Badar Function Hall, Sangareedy, and at the time of marriage, they gave two lakhs cash, unicorn bike, 10 tulas of gold and other household articles as dowry. Yamuna was blessed with a daughter *namely* Samanvitha and later, the accused No.1 and his mother- accused No.2 and the petitioner, who is his younger brother started harassing Yamuna physically and mentally for additional dowry and on 25.01.2025 at 10.30 p.m., Yamuna called the complainant and informed that she had quarreled with the accused and asked to come and take her, but on the same night at 12.30 p.m., accused No.1 called the complainant and informed that Yamuna was facing difficulty in breathing and asked them to come and when they went there, accused No.1 informed them that the doctors advised to take Yamuna to another hospital and when they shifted Yamuna to another hospital, the doctors declared her as dead. Basing on the said complaint, the aforesaid Crime was

registered against the petitioner/accused No.3 and accused Nos.1 and 2 for the aforesaid offences.

4. Learned counsel for the petitioner/accused No.3 submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further stated that the ingredients of Sections 80 and 85 of BNS and Sections 3 and 4 of Dowry Prohibition Act are not applicable as the petitioner herein has never harassed Yamuna for additional dowry. He submits that the petitioner has completed B.Tech and is now doing licensing work and that accused No.1 has already surrendered before the concerned court and that accused No.2 was granted bail *vide* order dated 25.02.2025 on the file of II Additional District and Sessions Judge, Sangareddy. He further submits that if bail is not granted, the petitioner will be put to irreparable loss and hardship and requests that the petitioner be granted anticipatory bail and that the petitioner is ready to cooperate with the investigation and

also abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the investigation is not completed and if the petitioner is enlarged on bail there is every chance of his influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the record, this Court is of the *prima facie* opinion that there is no specific allegation against the petitioner so as to attract the ingredients of Sections 80 and 85 of BNS and Sections 3 and 4 of Dowry Prohibition Act. Even otherwise, accused No.1 had already surrendered before the concerned court and accused No.2 was granted bail on 25.02.2025. Therefore, this Court is inclined to grant anticipatory bail to the petitioner/accused No.3 subject to the following conditions:

- (i) Petitioner/accused is directed to surrender before the Station House Officer, Sadasivpet Police Station, on or before 18.03.2025;
- (ii) On such surrender, the Station House Officer of Sadasivpet Police Station, 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 likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.3 shall appear before the Station House Officer, Sadasivpet Police station, on every Saturday at 11:00 a.m., for a period of eight weeks or till filing of the chargesheet whichever is earlier, for the purpose of investigation.
- (iv) Petitioner/accused No.3 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/ Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

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7. Subject to the above directions, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 11.03.2025
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J.SREENIVAS RAO, J