

THE HONOURBLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 4482 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioners/accused Nos.1 and 3 seeking anticipatory bail in the event of their arrest in Crime No.35 of 2025 of Makthal Police Station, Narayanpet District, for the offences punishable under Section 85 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard Mr. Kuriti V. Prem Swami Naidu, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 04.02.2025 at 18.00 hours, the *de facto* complainant lodged a complaint stating that ten months back, her marriage was solemnized with petitioner No.1/accused No.1 as per their caste rituals and customs. At the time of marriage, they offered 6 tulas of gold, half acre land. After their marriage, they lived happily for one month, after that he along with his parents, sisters, brother-in-law and other family members harassed her physically and mentally for extra dowry, as her parents have given less dowry and demanded for extra 15 tulas of

gold and another half acre of land. She intimated the issue to her parents and also held Panchayat and settled the issue, but petitioner No.1 and his family members did not change their attitude. Hence, the complaint.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and they were falsely implicated in the present crime. The punishment for the offences levelled against the petitioners is below seven years and the Investigating Officer has issued notice under Section 35(3) of the BNSS, dated 06.03.2025 and the petitioners have submitted reply. In spite of the same, the Investigating Officer is trying to arrest the petitioners without following the principle laid down by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar**¹. He further submitted that petitioner No.2/accused No.3 is a government employee and in the event of his arrest, he will lose his employment. The petitioners are ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioners may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the Investigating Officer has already issued notice under

¹(2014) 8 SCC 273

Section 35(3) of the BNSS on 06.03.2025. When the investigation is under progress, the petitioners approached this Court and file the present criminal petition. He further submitted that the Investigating Officer has scrupulously followed the procedure contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar** *supra*.

6. Having considered the rival submissions made by the respective parties and after perusal the material available on record, it reveals that basing on the complaint lodged by the *de facto* complainant, Crime No.35 of 2025 was registered. Subsequently, the Investigating Officer issued notice under Section 35(3) of the BNSS on 06.03.2025. Pursuant to the same, the petitioners submitted reply on 07.03.2025 before the Investigating Officer. According to the learned Additional Public Prosecutor, the investigation is under progress. Taking into consideration the facts and circumstances case and as petitioner No.2/accused No.3 is a government employee, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 3 with the following conditions:

- (i) The petitioners are directed to surrender before the S.H.O., Makthal Police Station, Narayanpet District, on or before 11.04.2025 and on such surrender, they shall be enlarged on bail on executing personal bonds for a

sum of Rs.25,000/-(Rupees twenty five thousand only)
each with two sureties for a like sum each.

- (ii) On such release, the petitioners shall appear before the S.H.O., Makthal Police Station, Narayanpet District, on every Sunday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) The petitioners shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 04.04.2025

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