

THE HONOURABLE SRI JUSTICE K.SARATH

CRIMINAL PETITION No.6640 OF 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.2 in Crime No.630 of 2025 on the file of Vanasthalipuram Police Station, Rachakonda, registered for the offence punishable under Sections 74, 329(4), 115(2), 351(2) read with 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. The case of prosecution is that on 08.05.2025, the *de-facto* complainant lodged a complaint stating that at 3:30 pm to 4:00 pm the *de-facto* complainant's son, his wife and her brother came to the house of the *de-facto* complainant to get the clothes, but instead of taking clothes, her daughter-in-law abused the *de-facto* complainant and beat on her face. Then her brother came and slapped the *de-facto* complainant on her cheek and also grabbed her phone. When she fell down, her daughter-

in-law went into the kitchen and took a blade and held her throat tightly, saying, "I will kill you". When her siblings attacked her, she stood up and went outside. As soon as the *de-facto* complainant ran outside, they all came out and abused her. When the husband of the *de-facto* complainant came there, the brother of her daughter-in-law slapped him. Hence, the *de-facto* complainant requested to take necessary action.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that the *de-facto* complainant is none other than the mother-in-law of the petitioner. The petitioner and her husband were residing in USA and their matrimonial relationship is in tactic as on today. He further submitted that the petitioner has not committed alleged offence and she was falsely implicated in the above crime. He further submitted that as there was constant physical and mental harassment since the day of her marriage by her husband and his family members, the petitioner is likely to take legal

recourses as contemplated under law, for the offences under Dowry Prohibition Act etc., against her husband and the *de-facto* complainant. He further submitted that this case has been foisted against the petitioner only with the object of anticipating that the petitioner will file any case against the husband of the petitioner and his family members. Initially, the police registered the case under Section 329(4) along with other Sections, subsequently, the section of law was altered to 332(b) of BNS and there is no ingredient to alter Section 329(4) to 332(b). He submits that the complaint made by the *de-facto* complainant is that the petitioner has entered into her mother-in-law's house and it does not amount to house trespass to commit offence and requested to grant anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and specific allegations are leveled against her and investigation is under progress and if the petitioner/accused No.2 is granted anticipatory bail at this

stage, she may tamper the evidence and threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner and the *de-facto* complainant are the daughter-in-law and mother-in-law. Initially, the police registered the case under Section 329(4) along with other Sections and subsequently, the section of law was altered to 332(b) of BNS. The petitioner being daughter-in-law can enter the house of her in-laws and it does not amount to house trespass.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused No.2 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.2 shall surrender before the Station House Officer of Vanasthalipuram Police Station, Rachakonda, on or before 11.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on her executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two

sureties, for the like sum each to the satisfaction of the said Station House Officer.

2. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE K.SARATH

Date:28.05.2025
pss/tmk/psw

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