

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.7032 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners/accused Nos.4 to 6, seeking anticipatory bail in Crime No.1307 of 2024 of Uppal Police Station, Rachakonda Commissionerate registered for the offences punishable under Sections 325, 354, 498-A, 506 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'D.P. Act').

2. Heard Mr.D.Bhaskar Reddy, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3.1 The case of prosecution in brief is that the marriage between the defacto complainant and accused No.1 was performed on 10.02.2022 at 10.42 AM at Karmanghat, Hyderabad and it is an arranged marriage and at that the time of marriage, as per the demand of A-1 to A-3, 50 tulas of gold and 2 kgs. of silver were presented to them and after marriage, they started matrimonial life at Bodhan and from next day onwards, the A-1 to A-3

started demanding additional dowry and gold and the A-2 & A-3 had taken her gold ear rings and kept with them and the A-1 used to abuse her for silly reasons and after 15 days of marriage, they shifted to Vanasthalipuram. That on 24-03-2022, the A-1 to A-3 insulted her by commenting on her physique in front of their family members and slapped her.

3.2 It is further case of prosecution that on 01-05-2022, when herself and A-2 & A-3 went to Bodhan, A-1 and A-2 beat her with a belt and the petitioners, who are the sister (A-4) of A-2 and her children i.e. A-5 & A-6 encouraged the A-1 and A-2. That after three months of her marriage, her parents visited her in-laws house and took her to their house for medical checkup and after checkup, she came to know that she was conceived and she informed the A-1, but he refused to visit her and that on 21-01-2023, she was blessed with a female child. That on 11-02-2023, she returned to her matrimonial home and that on 27-11-2023, again the A-1 to A-3 threatened her to go back to her parental house and at that time, the petitioners/A-4 to A-6 came there and they also abused her in filthy language. Again on 16-12-2023, the A-1 to

A-6 harassed her physically and mentally and when she informed about the same to her father, he had taken her and the child to their house. Again on 29.12.2023, when she was at her parents' house, accused No.1 went there and beat her and that accused Nos.1 to 6, altogether with a common intention made grievous injuries to her. Thus, the accused are liable for the punishment for the above said offences.

4. Learned counsel for the petitioner submitted that the petitioners have not committed any offence and they were falsely implicated in the present crime. Even according to the allegations made in the complaint, there is no specific allegation levelled against the petitioners to attract the ingredients of Sections 325, 354, 498-A, 506 of IPC and Sections 3 and 4 of the D. P. Act. Petitioner No.1 is sister of accused No.2 and petitioner Nos.2 and 3 are her sons. Basing on the private complaint lodged by the defacto complainant, the present crime was registered only to resolve the disputes between the defacto complainant and accused No.1. He further submitted that the Investigating Officer issued notice under Section 35(3) of the BNSS insofar as accused Nos.2 and 3. The

Investigating Officer after completion of investigation filed charge sheet and the same was numbered as C.C.No.736 of 2025, on the file of the VI Additional Metropolitan Magistrate, Medchal Malkajgiri District, Uppal at L.B.Nagar, wherein the Investigating Officer erroneously mentioned that the petitioners were absconding, though the Investigating Officer has not issued notice as contemplated under Section 35(3) of BNSS. He further submitted that the petitioners are ready and willing to appear on each and every adjournment before the concerned Court and they will abide by the conditions, which are going to be imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioners.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners have committed a grave offence and they are absconding. Hence, the petitioners are not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners were made as accused Nos.4 to 6 basing on the private complaint lodged by the defacto complainant. The

Investigating Officer after completion of investigation filed charge sheet and the same was numbered as C.C.No.736 of 2025, on the file of the VI Additional Metropolitan Magistrate, Medchal Malkajgiri District, Uppal at L.B.Nagar. From perusal of the charge sheet, it shows that the Investigating Officer has not issued any notice to the petitioners, though he had issued notice under Section 35(3) of BNSS in respect of accused Nos.2 and 3. On the other hand, it was mentioned in the charge sheet that the petitioners were absconding. Even according to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.4 to 6, subject to the following conditions:

- i) The petitioners/accused Nos.4 to 6 are directed to surrender before the S.H.O., Uppal Police Station, on or before 25.06.2025 and on such surrender, the Station House Officer is directed to release the petitioners on bail on each of them executing a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties for a like sum each to his satisfaction.
- ii) After release, the petitioners/accused Nos.4 to 6 shall

appear before the concerned Court on each and every adjournment.

- iii) After release, the petitioners/accused Nos.4 to 6 shall abide by the conditions stipulated under Section 482 (2) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

Date: 17.06.2025
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JUSTICE J.SREENIVAS RAO