

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 7261 of 2025

ORDER:

This Criminal Petition is filed under Section 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners/accused Nos.1 and 2, seeking bail in Crime No.86 of 2025 of Kodimial Police Station, Jagitial District for the offence punishable under Sections 80(2), 85 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 4 of the Dowry Prohibition Act, 1961.

2. Heard Sri M.Vishnu Vardhan, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 22.04.2025 at 10:30 P.M., the *de-facto* complainant lodged a complaint with the police stating that her daughter Jamuna, who married accused No.1 Rahul in April 2024, was given a dowry of Rs.5,00,000/- in cash, a motorcycle worth Rs.1,00,000, and household items. She further alleged that after six months of marriage, Jamuna was harassed by her husband (A1) and accused No.2 for additional dowry. Despite giving R.2,00,000/- additionally, the harassment

was allegedly continued, leading Jamuna to die by suicide on 21.04.2025 by consuming insecticide and hanging. Basing on the said complaint, the present crime was registered for the aforesaid offences.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of Section 80(2) of BNS are not attracted against the petitioner. The petitioners never harassed the deceased to bring additional dowry and therefore, Section 85 of BNS and Section 4 of the Dowry Prohibition Act are not applicable. He also submitted that the petitioner No.2/accused No.2, who is none other than father of accused No.1, is aged about 56 years and suffering with old age ailments and petitioner No.1/accused No.1 is doing agriculture work for eking out his livelihood. The petitioners were arrested on 24.04.2025 and they were in judicial custody for more than 61 days and they are not having any criminal antecedents. He further submitted that the petitioners are ready and willing to cooperate with the investigation and they will abide by the conditions, which are going to be imposed by this Court. Hence prays to enlarge the petitioners on bail.

5. Learned Additional Public Prosecutor submitted that the petitioners have committed a grave offence and the marriage of accused No.1 with the deceased was performed on 02.03.2024 and due to the harassment made by the petitioners only, the deceased died and the investigation is under progress and therefore, if the petitioners are enlarged on bail, they will interfere with the investigation and influence the witnesses. Hence, the petitioners are not entitled for grant of 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 marriage between the petitioner No.1/accused No.1 and the deceased was performed on 02.03.2024 and the complaint was lodged on 22.04.2025. There are specific allegations levelled against petitioner No.1 to attract the ingredients of Section 82 of BNS.

7. The record further reveals that the crime was registered against the petitioners as well as accused No.3, who is none other than the mother of accused No.1. Even according to the learned counsel for the petitioners, accused No.3 was granted anticipatory bail by the learned Sessions Judge.

8. Insofar as accused No.1 is concerned, the investigation is under progress and the charge sheet has not been filed. Hence,

this Court is not inclined to grant bail to petitioner No.1/accused No.1. Taking into consideration the age of petitioner No.2/accused No.2, this Court is inclined to grant bail to him subject to the following conditions;

- (i) The petitioner No.2/accused No.2 shall be enlarged on bail on his executing a personal bond for a sum of Rs.15,000/-(Rupees Fifteen thousand only) with two sureties for a like sum each to the satisfaction of the II Additional Judicial Magistrate of First Class at Jagtial.
- (ii) After release, petitioner No.2/accused No.2 shall appear before the concerned S.H.O. whenever his presence is required, for the purpose of investigation.
- iii) After release, the petitioner/accused shall not interfere with the investigation or influence the witnesses.
- (iv) The petitioner/accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

9. Accordingly, the Criminal Petition is allowed in part.

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

JUSTICE J.SREENIVAS RAO

Date: 24.06.2025
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