

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1454 of 2015

ORDER :

The petitioner, who is accused No.3 in Crime No. 428 of 2014 of Vanasthalipuram Police Station, Cyberabad, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 306, 498-A, 201 IPC.

At the time when the matter is taken up for hearing, it is brought to the notice of the Court that the police have altered the Section of law from 306 IPC to 302 IPC.

The averments in the report given by the informant would disclose that the daughter of the informant got married to accused No.1 about two years prior to the date of incident. Out of wedlock they were blessed with a daughter, who is aged about 10 months. On 25.05.2014 at about 12.00 noon, accused No.1 telephoned to the son of the informant and informed him about a quarrel between herself and the deceased and the attempt to commit suicide by the deceased. Immediately, the informant and his family members rushed to Yashoda Hospital, but none were there. When enquired, it was informed that the deceased was admitted in NIMS Hospital, Hyderabad. Thereafter, they went to NIMS but could not trace them. When contacted over phone, the accused told them that Anitha died and they are taking the dead body to his native place. He further told them that if they want to come, they can come. The informant and his family members intercepted the jeep in which

the dead body of the deceased was being taken. The averments in the report also disclose that the deceased telephoned and informed them about the accused quarrelling with her and harassing her both mentally and physically apart from beating her. It is thus alleged that unable to bear the harassment made by the accused, the deceased committed suicide. Basing on these allegations, the above case came to be registered.

Learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true, no offence is made out against the petitioner. According to him, the petitioner is not residing with the deceased and accused No.1 and as such he is innocent of the offences alleged. He further submits that the entire investigation is over and the petitioner being an old man aged 61 years deserves grant of anticipatory bail.

The learned Additional Public Prosecutor opposed the application contending that earlier, the very same petitioner filed Cr.P.No.14737 of 2014 seeking anticipatory bail which was dismissed on 04.12.2014. He further submits that on the date of incident, the petitioner arrived at the house of the deceased after coming to know about the death of the deceased and took the dead body of the deceased in his jeep to their village. In view of the above, he submits that the petitioner is not entitled for anticipatory bail.

A perusal of the statements of L.Ws.5 and 6, who are neighbours of the deceased, would disclose that about a month

prior to the date of incident, the petitioner and his wife were staying with the deceased and thereafter they went to Karnataka. On the date of incident the petitioner is alleged to have come to the house of the deceased in a jeep and he along with accused No.1 took the dead body in the said jeep to their native village. At that time the informant and his family members intercepted the jeep. It appears that the accused without even waiting for the arrival of the family members of the deceased wanted to cause disappearance of evidence by cremating the body.

It is to be noted that earlier the petitioner filed Crl.P.No.14737 of 2014 before this Court seeking anticipatory bail which was dismissed on 04.12.2014. Later, he again filed Crl.P.No.809 of 2015 which was also dismissed on 13.02.2015 due to non-prosecution.

A perusal of the material placed before the Court would show that there are no changed circumstances either in fact or in law from the date of earlier order, warranting interference from this Court. The learned Additional Public Prosecutor, on instructions, submits that the investigation is still in progress. In view of the above and in the absence of any changed circumstances, I am not inclined to consider the request of the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

3rd March, 2015
cbs

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

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