

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3742 of 2015

ORDER :

The petitioner, who is accused No.3 in Crime No.24 of 2015 of Nagarjunasagar Police Station, Guntur District, 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 against him and others for the offences punishable under Sections 307, 498-A r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition Act.

The case of the prosecution is as under:

The marriage of the informant with A.1 took place about 7 years back and out of the wedlock, they were blessed with three children. It is alleged that A.1 used to beat the informant and scold her in intoxicated condition on petty issues. A.1 is also alleged to have harassed the informant physically and mentally for additional dowry of Rs.2 lakhs. The other accused supported A.1 and they are also alleged to have harassed the informant. On 21.02.2015 at about 10.30 a.m. A.1 is alleged to have insisted the informant to board the bike, brought her to a forest situated behind NTPC and tortured her and with a view to kill her by beating her with a club on right eye, hands and legs, and also tied a sari around her neck with a view to strangle the informant. When the informant raised cries, the passersby heard the noise and came there. On seeing them, A.1 left the informant. After reaching home, A.1 is alleged to have mixed some poisonous powder in a glass of water and forcibly administered the same to the informant stating that at any cost she should die and that he would not leave her. He is alleged to have fell her down, sat on her chest and squeezed her throat. Meanwhile, A.3 came there and insisted A.1 to kill the informant. Subsequently, the informant got unconscious and L.Ws.2 and 3 and others who received information about the quarrel, rushed to the house of the accused and noticed that the informant lying on the ground in unconscious state. Immediately, she was shifted to RMP doctor for treatment. Basing on these allegations, the above case came to be registered.

Learned counsel for the petitioner submits that no specific role is attributed to the

petitioner with regard to the harassment on the informant and as such he is entitled for anticipatory bail.

On the other hand, learned Additional Public Prosecutor strenuously opposed the application contending that A.1 to A.3 made an attempt to kill the informant by forcibly administering poison to her.

A perusal of the report would show that the allegations of harassment were initially directed against A.1, but at the same time the averments also disclose harassment made by A.2 and A.3 for additional dowry. Subsequently, on 21.02.2015 A.1 forcibly administered poison to the informant and at that time the petitioner was present there and he questioned A.1 as to why he did not kill the informant earlier and insisted him to kill the informant now. The administration of poison stands established in view of the statement of L.Ws.2 and 3 who visited the spot and rescued the informant. Though the petitioner is aged about 75 years, but having regard to the said circumstances, I am not inclined to consider his request. However, if the petitioner, if so advised, is directed to surrender before the concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, either on the same day or at the earliest having regard to the fact that the other accused are already released on bail.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

29th April, 2015

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