

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7218 of 2015

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ORDER :

The petitioners are accused in Crime No.173 of 2014 of Bhongir (R) Police Station, Nalgonda District. Originally the above crime is registered under Section 174 Cr.P.C., subsequently it was altered into Section 306 read with 34 IPC vide alteration memo dated 15.05.2015. The above crime is an out come of report of the 2nd respondent, who is the son of the deceased by name S. Jaya Ramulu, who met with unnatural death on 12.10.2014 morning in his guest house near Surendrapuri of Vadaigudem Village, Bhongir Mandal.

2. It is the contention of learned counsel for the petitioners that though the post mortem report shows injuries and death is unnatural, the police filed altered memo in the recent past as if the offence under Section 306 read with 34 IPC with no basis even to say the deceased committed suicide, much less there is instigation or abetment of any of the petitioners and that the police are after them to harass and they are apprehending ill-treatment and it is a fit case to quash the proceedings.

3. A perusal of the material, in fact falls short for this Court to admit the criminal petition, at this stage when the investigation is pending to come to any conclusion merely

because the report was given by the son of the deceased so also which offence that makes out either under Section 302 IPC or 304 Part-II IPC or 306 IPC, if any, thereby to quash the F.I.R. pending investigation stage for the past more than a year, but for to say the factual matrix entitled to the concession of bail to the petitioners.

4. Accordingly, the criminal petition is disposed of giving liberty to the petitioners to surrender before the learned Magistrate concerned and move regular bail application on the same day with affidavit of surrender before the learned Special Judge and in such an event, the learned Special Judge shall grant bail with necessary conditions after hearing the public prosecutor concerned. Needless to say, at the post bail stage and pending investigation, the presence of the petitioners before the learned Magistrate can be dispensed with. Further remedies are left open to the petitioners in the event of police filing final report and any cognizance taken by the learned Magistrate.

5. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

13th August 2015.

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