

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO. 2228 of 2015

ORDER :

The petitioner, who is accused No.1 in Crime No.210 of 2014 of Pedana Police Station, Krishna District, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime registered for an offence punishable under Section 302 r/w Section 34 IPC. A preliminary charge sheet came to be filed against the petitioner for the above mentioned offence.

The allegations in the charge sheet are as under:

The deceased was given in marriage to A.1 in the year 2006 by giving cash of Rs.1 lakh and 5 sovereigns of gold as dowry. Out of wedlock, they were blessed with two children. A.1 is alleged to have got addicted to vices and was harassing and beating the deceased for money to meet his vices, due to which, the deceased went to the house of L.W.1. Later, a panchayat was held before elders in which the elders chastised A.1 and advised him to look after the deceased well, but there was no change in the attitude of A.1. About a week prior to 17.10.2014, the deceased was necked out of the house by A.1 and thereby she again went to the house of L.W.1. L.W.1 is said to have made attempts to send the deceased back to matrimonial home. On 20.10.2014 A.1 is alleged to have beat the deceased for not preparing fish curry tastily and at that time L.W.10 and others intervened and rescued her. It is also alleged that on 21.10.2014 when the deceased did not prepare food, A.1 became wild and beat her indiscriminately. Later, A.1 is alleged to have gone out of the house, consumed liquor, returned home at about 9.00 p.m., picked up a quarrel with the deceased and beat her with hands. As a result of which, the deceased fell on a cot and died. Thereafter, A.1 is alleged to have taken the dead body of the deceased to Pulleru feeding canal, set fire to it by pouring kerosene with a view to screen the evidence and thereafter took the burnt dead body to a thatched hut of one Jogi Pandu situated adjacent to his residential house, laid it down on the ground, poured kerosene all over the dead body and again set fire to give a colour that the deceased committed suicide. Basing on these allegations, the above case came to be registered.

Learned counsel for the petitioner mainly submits that the case of the prosecution is entirely based on circumstantial evidence and the circumstances relied on do not form a chain of events so as to connect the accused with the crime. Learned Public Prosecution opposed the application.

A perusal of the material placed before the Court more particularly the statement of L.W.2 would show that at the time when he was sent to his grandparents' house, A.1 and the deceased were quarrelling with each other in the house and after returning back he saw his mother lying on a cot and his father advised him not to disturb his mother as she was sleeping. Thereafter, the dead body of the deceased got disappeared from the house. Since the presence of the accused at the house along with the deceased stands prima facie established through the statement of L.W.2, it is for A.1 to explain as to how the deceased sustained injuries and died at the hut of Jogi Pandu. At this stage, it cannot be said that the circumstances do not form a chain of events so as to connect the accused with the crime. Having regard to the said circumstances and in view of the representation made by the Public Prosecutor that the investigating agency has to collect some more material; the request of the petitioner is rejected.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

25th March, 2015

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