

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.3203 of 2015

ORDER :

The petitioner, who is the sole accused in Crime No.11 of 2015 of Ananthapalli Police Station, West Godavari District, initially registered for the offences punishable under Sections 452, 354 A (2), 354 D (2) and Section 307 of IPC, subsequently altered to Section 302 of IPC, filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail.

The case of the prosecution is that on 13.01.2015 at about 03.30 p.m., in the absence of LW1, who is the husband of the victim, the accused is alleged to have trespassed into the house of the deceased and demanded her to fulfill his sexual lust. When the deceased refused the same, the accused threatened to kill her in default of fulfillment of his demand. Thereafter, he took kerosene tin available in the house, poured the same over the chest region of deceased and set her ablaze with a match stick. On listening the cries of the deceased, LWs.3 to 10 rushed to the scene of offence and shifted her immediately to Area Hospital and subsequently took her to Government Head Quarters Hospital, Eluru for better treatment. Thereafter, she is alleged to have succumbed to severe burn injuries on 03.03.2015.

Relying upon the variations in the statement of the deceased given before the police and also in the dying declaration recorded by the concerned Magistrate, learned counsel for the petitioner tried to contend that the entire incident is false.

Learned Public Prosecutor opposed the application contending that the investigation is still pending and if the petitioner is released on bail, there is every likelihood of he tampering with the evidence.

Though there are variations in the statements recorded by the police under Section 161 of Cr.P.C. and also the dying declaration recorded by the Magistrate, but there are no variations recorded with regard to the manner in which the deceased was set on fire. In all the statements, the deceased categorically stated that the accused poured kerosene and later set her on fire.

Having regard to the said circumstances and since the investigation is still pending, I am not inclined to grant bail to the petitioner. However, it is left open to the

petitioner to renew his request after completion of investigation before the trial Court.

JUSTICE C. PRAVEEN KUMAR

15.04.2015

vhb