

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13819 of 2016

ORDER:

The petitioner, who is the sole accused, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in crime No.242 of 2015 of Chandrayanagutta Police Station, Hyderabad, registered for the offence punishable under Section 302 of Indian Penal Code.

The case of the Prosecution is that on 09.08.2015 in the evening hours on receipt of telephonic message from Osmania General Hospital about admission of one girl with the history of burns alleged to have been received at her residence at Jamal banda, Chandrayangutta, L.W.13 was deputed to record the statement of the victim girl. After identifying the girl and after satisfying that she is in a fit condition to give statement, L.W.1 recorded her statement wherein she stated that on the date of incident, her father came home in a drunken condition, quarreled with her and her mother and abused them in filthy language. Due to which she felt insulted, poured kerosene on her body and set fire to herself. While undergoing treatment, the injured succumbed to injuries. The averments in the dying declaration show that her father poured kerosene and set fire to her. Thereafter with the help of neighbours, she was brought to hospital. Basing on these allegations, present report came to be lodged.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

The learned counsel for the petitioner submits that the dying declaration, which has been relied upon by the Prosecution, is as a result of tutoring and as such the same cannot be made the basis, in the absence of any allegations in the First Information Report. He also submits that as the entire investigation is over and charge sheet is filed, prays to consider his request. The same is opposed by the learned Additional Public Prosecution submitting that earlier the request of the petitioner for grant of bail was dismissed by this Court in Crl.P.No.9165 of 2016 on 04.07.2016. Hence, it is urged that in the absence of any changed circumstances, this criminal petition cannot be entertained.

As seen from the record, the dying declaration of the petitioner, which was recorded by the SI of Police, show that the petitioner poured kerosene on the deceased and set her on fire. The material on record further show that the petitions filed by the petitioner seeking bail were rejected by this Court in Crl.P.Nos.9165 of 2016 and 10496 of 2016 on 04.07.2016 and 05.08.2016 respectively. In view of the above, I am not inclined to consider the request of the petitioner.

Therefore, the Criminal Petition is dismissed. However, the petitioner is given liberty to move an application before the trial Court showing the changed circumstances, if any.

JUSTICE C. PRAVEEN KUMAR

27.09.2016
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