

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 15081 of 2016

ORDER:

The present Criminal Petition is filed seeking a direction to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 295 of 2016 on the file of Station House Officer, Police Station, Mills Colony, Warangal.

The case of the prosecution is that one Smt. N.Kavitha gave a report dated 12.09.2016 to the Station House Officer, Police Station, Mills Colony, Warangal stating *inter alia* that her marriage with one Ramesh was solemnized about ten years back and blessed with two children, aged about eight and five years. It is stated that her husband was maintaining the family by working as a hamali and that her husband, who is deceased and the petitioner are brothers. They had disputes as regards to the partition of joint family properties. The petitioner alleged to have abused the deceased in filthy language. On 12.09.2016 the defacto complainant and her husband went to the house of the petitioner and demanded for partition, pursuant to which, the petitioner alleged to have abused him in filthy language and also asked the deceased to go and die. Thereafter, the deceased committed suicide at 11.00 AM on the same day by consuming pesticides. Accordingly the police registered a case in Crime No. 295 of 2016 for the offences punishable under Sections 294, 323 and 306 IPC.

The learned Counsel appearing for the petitioner submits that the petitioner and deceased have already partitioned their joint family properties and both are working as hamalies in the agricultural market yard. He submits that the deceased and his wife were having marital disputes as regards to the maintenance of the family. The petitioner is not responsible for the death of the deceased. He further submits that the allegations in the complaint do not satisfy the ingredients to make out an offence punishable under Section 306 IPC.

Keeping in view the serious allegations made against the petitioner and as the charge sheet is yet to be filed, at this stage, I am not inclined to grant the relief sought for in the present petition. Consequently, the petitioner should surrender before the concerned police station or trial Court. On such surrender, he is at liberty to file an application seeking bail.

The Criminal Petition is dismissed.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE SURESH KUMAR KAIT

DATED 19TH October, 2016.
Msnr_x

