

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8296 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.2, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.47 of 2017 on the file of the Station House Officer, Undavelly Police Station, Jogulamba Gadwal District, registered for the offence punishable under Sections 498-A and 306 read with 34 IPC.

2. The learned counsel for the petitioner submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner for the offence under Section 306 IPC. He further submitted that the petitioner is aged about 60 years. ***Per contra***, the learned Additional Public Prosecutor representing the State submitted that the investigation is in progress, therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3. The case of the prosecution is that one Kalyani (deceased) is the wife of A1 and daughter-in-law of the petitioner. The deceased and A1 were blessed with two daughters. The petitioner along with A1 subjected the deceased to cruelty for additional dowry. It is the further case of the prosecution that due to the harassment meted out by the petitioner and A1, the deceased committed suicide.

Basing on the complaint lodged by the father of the deceased, the above case was registered.

4. Petitioner filed CrI.M.P.No.888 of 2017 on the file of the Court of III Additional District and Sessions Judge, at Gadwal, and the same was dismissed on 28.08.2017.

5. While deciding the anticipatory bail petitions, the Court has to see whether there is any *prima facie* case against the petitioner-accused or not. A perusal of the record *prima facie* reveals that the petitioner herein along with A1 harassed the deceased, due to which, she committed suicide. A perusal of the record further reveals that the investigation is in progress.

6. Taking into consideration the nature of the offence alleged to have been committed by the petitioner, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner-A2.

7. In the result, the criminal petition is dismissed.

14th September, 2017
Rns

T.SUNIL CHOWDARY, J