

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9377 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner/accused No.2 under Section 437 and 439 Cr.P.C., seeking bail in Crime No.134 of 2017 on the file of the Station House Officer, Srikakulam II Town Police Station registered for the offences punishable under Sections 306 r/w 34 of IPC.

2 Sri M. Viswanadham, the learned counsel for the petitioner submitted that even as per the recitals of the suicidal note left by the deceased, no malafides are attributed to the petitioner. He further submitted that even if the allegations made in the complaint are taken to be true and correct, no prima facie case is made out against the petitioner for the offence under Section 306 of IPC, therefore, it is a fit case to grant bail to the petitioner.

3 *Per contra*, Sri P.Durga Prasad, the learned counsel representing the de facto complainant, submitted that the de facto complainant filed a petition for cancellation of the bail granted to the accused No.1. The learned Additional Public Prosecutor submitted that the suicidal note filed by the petitioner is different to the suicidal note seized by the investigating officer.

4 The case of the prosecution is that the marriage of one Ramesh (hereinafter referred to as 'the deceased') was performed with accused No.1 on 11.02.2016 in Sri Suryanarayana Swamy Devasthanam, Arasavilli, Srikakulam district. Immediately after the marriage, the accused No.1 joined with the deceased to lead marital life. On 17.7.2017 the accused No.1 and the deceased

came to Srikakulam. On the same night the deceased committed suicide.

5 The petitioner filed CrI.M.P.No.522 of 2017 under Section 439 Cr.P.C on the file of the Court of the Principal District & Sessions Judge, Srikakulam and the same was dismissed on 21.09.2017.

6 A perusal of the record reveals that the marriage of the deceased was performed with accused No.1 on 11.02.2016 whereas the deceased committed suicide at the house of his in-laws on 17.7.2017. The learned counsel for the petitioner and the learned Additional Public Prosecutor filed two suicidal notes alleged to have been in the handwriting of the deceased. Though to certain extent the contents of the alleged suicidal notes are one and the same, but they are not identical in all aspects. However, in view of the pendency of the investigation, this Court is not inclined to express any opinion with regard to the genuineness or otherwise of the suicidal notes produced by the learned counsel for the petitioner as well as the prosecution. The final opinion issued by the forensic lab is not produced before this Court. In the absence of the final report, it is not possible to decide the cause and nature of the death of the deceased. The de facto complainant filed a petition for cancellation of bail granted to the accused No.1. In such circumstances, if the petitioner is released on bail at this stage, the possibility of threatening the prosecution witnesses cannot be ruled out completely.

7 Taking into consideration the peculiar facts and circumstances of the case and the stage of investigation this Court

is of the considered view that this is not a fit case to grant bail to the petitioner at this stage.

8 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 12th October, 2017

Kvsn

