

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7750 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.2, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.80 of 2017 on the file of the Station House Officer, Rebbena Police Station, Kumrambheem District, registered for the offence punishable under Sections 120-B, 302, 109 and 201 IPC.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further 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. ***Per contra***, the learned Additional Public Prosecutor representing the State submitted that the investigation is in progress and the prosecution agency intending to record the statements of some of the witnesses under Section 164 Cr.P.C.

3. The case of the prosecution is that the petitioner developed illicit intimacy with A1 and both of them hatched up a plan to kill the deceased. The petitioner supplied sleeping pills to A1, who in turn mixed the same in chicken and served to the deceased. After taking the food served by A1, the deceased died. The petitioner filed CrI.M.P.No.620 of 2017 on the file of the Court of Special Judge for trial of

Cases under SCs/STs (POA) Act-cum-V Additional District and Sessions Judge, Adilabad, and the same was dismissed on 10.08.2017.

4. A perusal of the record reveals that A1 is the wife of the deceased. A perusal of the record further reveals that the petitioner, who is aged about 22 years, developed illicit intimacy with A1, who is aged about 35 years. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of the offence. The learned Additional Public Prosecutor submitted that the investigating agency is taking steps for recording the statements of some of the witnesses under Section 164 Cr.P.C.

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

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

11th September, 2017
Rns

T.SUNIL CHOWDARY, J