

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.9750 OF 2017

ORDER:

Petitioner, who is the sole accused in Cr.No.112 of 2017 on the file of Station House Officer, Dindi Police Station, Nalgonda District, registered for the offence punishable under Section 306 IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Learned counsel for the petitioner submitted that 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 for the offence punishable under Section 306 IPC. He further submitted that the allegations made in the complaint are bereft of basic ingredients of Section 107 IPC; therefore, it is a fit case to grant pre-arrest bail to the petitioner. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *ex facie* constitute the offence alleged to have been committed by the petitioner; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3. The case of the prosecution is that on 15.08.2017 the petitioner in the presence of Yasani Goverdhan Reddy, Goli Ram Reddy and Jinkala Achaiah and others propagated that L.W.6, who is the wife of Yadaiah (hereinafter referred to as 'the deceased'), developed illicit intimacy with one Malreddy Vishnuvardhan Reddy. The deceased came to know through the villagers that the petitioner propagated in the village that his wife developed illicit intimacy with Malreddy Vishnuvardhan Reddy. On 16.08.2017, the deceased and his wife Somidi Anitha went to agricultural

fields and consumed pesticide poison to commit suicide, due to which, the deceased died and his wife Somidi Anitha survived. Basing on the complaint lodged by the father of the deceased, the above case was registered.

4. The petitioner filed CrI.M.P.No.1159 of 2017 on the file of the Principal District and Sessions Judge, Nalgonda District, under Section 438 Cr.P.C. seeking anticipatory bail and the same was dismissed on 25.09.2017.

5. A perusal of the record reveals that L.W.6-Somidi Anitha is the wife of the deceased. The case of the prosecution is that the petitioner propagated in the village that Somidi Anitha developed illicit intimacy with one Malreddy Vishnuvardhan Reddy. The deceased came to know about the rumor through the villagers. Due to the rumor spread over by the petitioner, the deceased and Somidi Anitha felt humiliated and consumed pesticide poison, as a result of which, the deceased died and Somidi Anitha survived.

6. The predominant contention of the learned counsel for the petitioner is that the allegations made in the complaint are bereft of basic ingredients of Section 107 IPC. While deciding the bail application, the Court has to consider whether there is any *prima facie* case or not against the petitioner. The Court cannot dwell into the merits of the main case at the time of deciding the bail applications, more particularly in anticipatory bails. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. The record *prima facie* reveals that the deceased committed suicide due to the act of the petitioner.

7. Taking into consideration the nature of the offence alleged to have been committed by the petitioner, I am of the considered view that it is not a fit case to grant bail to the petitioner at this stage.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

DATED: 23-10-2017.

Hsd

