

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.440 OF 2017

ORDER:

This criminal petition is filed under Sections 437 and 439 of Cr.P.C to enlarge the petitioners/A3 to A6 on bail, who are in judicial custody since 28.11.2016 in connection with Crime No.92 of 2016 on the file of Judicial Magistrate of First Class, Jagtial, for the offences punishable under Sections 498-A, 306 and 506 of IPC.

The case of the prosecution is that the petitioners along with two other accused subjected the deceased to unbearable cruelty for failure to meet illegal demand of payment of dowry and on account of such cruelty, she poured kerosene herself on her body and set ablaze and immediately she was shifted to hospital. While undergoing treatment, she succumbed to burn injuries on 11.10.2016 at 02.40 P.M.

The main contention of the petitioners is that they are relatives of the husband of the deceased and that they are living in different places and they are unconcerned with the said serious offences.

On receipt of requisition from the hospital authorities, learned concerned Magistrate recorded statement of the injured on 07.10.2016. In the said statement, the injured, who was suffering from burn injuries, disclosed the names of the persons responsible for her death and who subjected her to

cruelty. Thus, the act of the petitioners along with others would fall within the explanation of harassment under Section 498-A of IPC and drove her to commit suicide would fall within Section 304-B of IPC and that there is a presumption under Section 113-B of Indian Evidence Act, when death took place within seven years, which is unnatural and due to meeting with harassment for dowry soon before her death is punishable under Section 304-B of IPC. Therefore, such presumption can be rebutted during trial. As on today, the material on record clearly shows that the petitioners also subjected the deceased to cruelty for her failure to meet the illegal demand for payment of dowry and drove her to commit suicide.

Though major part of investigation is completed, still there is a possibility of interfering with further investigation and influence the witnesses in the event of their enlargement on bail, in view of the apprehension expressed by the learned Additional Public Prosecutor, I find no ground to enlarge the petitioners on bail at this stage.

The criminal petition is accordingly dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

27.01.2017
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