

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9399 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner/accused No.1 under Section 437 and 439 Cr.P.C., seeking bail in Crime No.31 of 2017 on the file of the Station House Officer, Chirala Railway Police Station, SPSR Nellore District, registered for the offences punishable under Sections 302 and 120 (b) r/w 34 of IPC.

2 The learned counsel for the petitioner submitted that the investigating agency has completed the investigation and laid charge sheet before the concerned Court. He further submitted that the petitioner was apprehended on 17.05.2017 and since then he has been languishing in jail, therefore, it is a fit case to grant bail to the petitioner.

3 *Per contra*, the learned Additional Public Prosecutor submitted that the petitioner belongs to the State of Bihar and if he is released on bail, it would be very difficult to secure his presence at the time of trial, therefore, it is not desirable to grant bail to the petitioner.

4 The case of the prosecution is that the marriage of the petitioner was performed with one A.Kumari (hereinafter referred to as 'the deceased') on 12.07.2016. Immediately after the marriage the deceased joined the petitioner to lead marital life. It is the further case of the prosecution that on 16.5.2017 the petitioner and the deceased boarded Tamilnadu Express at Chennai to go to Delhi, along with accused No.2. When the train reached near Chirala, in the wee hours of 17.05.2017 i.e. at 2.20 AM, at the

instigation of the petitioner, accused No.2 shoved the deceased from the moving train due to which she died on the spot. On the complaint lodged by one R.Radhakrishnan, TTI, who was deputed to duty on the said train at the relevant point of time, the above case was registered.

5 The petitioner filed CrI.M.P.No.1111 of 2017 under Section 439 Cr.P.C on the file of the Court of the Principal Sessions Judge, Nellore and the same was dismissed on 15.09.2017 on the ground that if the petitioner is released on bail, it is very difficult to secure his presence at the time of trial.

6 The learned Additional Public Prosecutor submitted that the case is at the stage of committal. A perusal of the record reveals that the petitioner belongs to the State of Bihar. As rightly pointed out by the learned Additional Public Prosecutor, if the petitioner is released on bail, it would be very difficult to secure his presence at the time of trial. This Court dismissed CrI.P.No.8863 of 2017 filed by the accused No.2 on 22.09.2017.

7 Taking into consideration the gravity of the offences alleged to have been committed by the petitioner and also the peculiar facts and circumstances of the case, this Court is of the considered view that this is not a fit case to grant bail to the petitioner.

8 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 12th October, 2017

Kvsn