

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2425 of 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/accused on pre-arrest bail since she is apprehending arrest in connection with Crime No.116 of 2016 of Alladurg Police Station, Medak District.

It is the case of the prosecution that one Chakalli Prabhu lodged a complaint Dt.28.10.2016 alleging that on 27.10.2016 at about 09.00 pm wife of P. Narasaiah, aged 42 years, poured kerosene and set fire to her body due to unbearable harassment of petitioner and thereafter, she opened the doors and went out from the house raising cries because of the flames and on hearing her cries, the petitioner and others rescued her. However, she succumbed to the injuries. On the strength of the complaint, a case in CR.No.116 of 2016 was registered under Section 174 Cr.P.C., which was altered as Section 306 IPC.

It is the contention of the learned counsel for petitioner is that there were no disputes between the petitioner and the deceased for the last 20 years and they were living together and the allegations made against the petitioner is that she subjected deceased to cruelty as she failed to attend house hold works, not otherwise. Therefore, there is nothing to conclude that the petitioner did commit any offence much less the offence punishable under Section 306 IPC and prayed to grant pre-arrest bail.

Learned Public Prosecutor for the State of Telangana contended that the case is under investigation and the dying declaration recorded by IX Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, disclosed the cause of such injury, which led to the death, and there is material on record to conclude that the petitioner is responsible for the death.

As seen from the material on record, more particularly, the statement recorded by IX Additional Chief Metropolitan Magistrate, Nampally, the cause for her suicide is based on the act of the petitioner and the alleged act committed by the petitioner is that abusing the deceased in filthy language and harassing her for failure to attend house hold duty. Section 107 of IPC deals with 'abetment of a thing'. As per Section 107(3) IPC, whoever intentionally aids, by any act or illegal omission, the doing of that thing is liable for such an offence. Here, the allegation made against the petitioner in the complaint and in the Dying Declaration is that the petitioner intentionally aids to commit suicide by the deceased i.e., abused her in filthy language and harassed her which led to commit suicide by pouring kerosene and set fire on her body. Therefore, it is difficult, at this stage, to conclude that the petitioner is not responsible, *prima facie*, for the offence punishable under Section 306 IPC. Therefore, it is difficult to exercise the discretion under Section 438 Cr.P.C. to enlarge the petitioner on pre-arrest bail and hence, it is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this case, shall stand closed.

M. SATYANARAYANA MURTHY, J

March 30, 2017
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Dt.30-03-2017

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