

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.5588 OF 2017

ORDER:

Petitioners, who are A2 to A4 in Cr.No.122 of 2016 on the file of Station House Officer, Kollapur Police Station, Mahabubnagar District, registered for the offence punishable under Section 307 IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Learned counsel for the petitioners strenuously submitted that the *de facto* complainant falsely implicated the petitioners 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 petitioners for the offence alleged to have been committed by them. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners. He further submitted that the petitioners herein are also accused in Cr.No.285 of 2017 on the file of S.H.O. S.R.Nagar Police Station, registered for the offences punishable under Sections 304-B and 498-A IPC and 3,4 and 6 of Dowry Prohibition Act, 1961 r/w 109 IPC. He further submitted that investigation is in progress; therefore, it is not a fit case to grant anticipatory bail to the petitioners.

3. The facts leading to filing of the present petition are briefly as follows: One Pettla Manjula, who is the wife of accused No.1, is the *de facto* complainant. As per the prosecution version, A1 is the husband of the *de facto* complainant, A2 and A4 are the parents and A3 is the bother of A1. It is the case of the prosecution that on 30-09-2016, the petitioners herein along with A1 went to the parents' house of the *de facto* complainant in Kudikilla village of Kollapur Mandal and beat her with an intention to kill her.

4. The petitioners herein filed CrI.M.P.No.655 of 2017 on the file of the IV Additional District & Sessions Judge (FTC), Nagarkurnool, under Section 438 Cr.P.C. seeking anticipatory bail and the same was dismissed by order, dated 28-06-2017.

5. A perusal of the record reveals that said Manjula died in suspicious circumstances in the house of the petitioners. Police registered a case in Cr.No.285 of 2017 against the petitioners and A1 for the offences punishable under Sections 304-B and 498-A IPC and 3,4 and 6 of Dowry Prohibition Act r/w 109 IPC. A perusal of the record reveals that A1 was arrested in this crime on 06-06-2017 and remanded to judicial custody. A1 filed CrI.P.No.5591 of 2017 under Sections 437 and 439 Cr.P.C. before this Court seeking regular bail and the same was dismissed on 14-07-2017. It is not in dispute that the petitioners also involved in Cr.No.285 of 2017.

6. Taking into consideration the nature of the offences alleged to have been committed by the petitioners and the stage of investigation, I am of the considered view that it is not a fit case to grant bail to the petitioners at this stage.

7. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

DATED: 18-08-2017.
Hsd