

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6778 of 2017

ORDER:

This petition is filed, by the petitioner/accused No.1, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.165 of 2016 on the file of the Station House Officer, Hanamkonda Police Station, registered for the offences punishable under Sections 447, 302 and 506 read with 149 I.P.C. and Section 3(2)(v)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The learned counsel for the petitioner submitted that the investigation agency laid charge sheet before the concerned Court; moreover, the petitioner is a lady; therefore it is a fit case to grant anticipatory bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that the dying declaration of the deceased - Vijayalaxmi *prima facie* reveals that the petitioner committed the alleged offences.

4. The case of the prosecution is that on 22.05.2016 at about 19:30 hours the petitioner along with others trespassed into the house of the *de-facto* complainant and poured petrol on his wife (deceased) and set her ablaze. Immediately the deceased was shifted to hospital for treatment wherein she died.

5. The petitioner filed CrI.P.No.123 of 2017, under Section 438 Cr.P.C., on the file of this Court and the same was dismissed on 19.01.2017 with the following observations:

“In view of the guidelines laid down by the Apex Court, the main consideration is that the court has to satisfy that the petitioner did not involve in the commission of such a serious offence. Further, the statement of the injured Vijayalaxmi while she was coherent and conscious recorded by the Magistrate directly disclose that the petitioner poured kerosene and lit fire to her body *prima facie*. Thus, her participation in the incident cannot be ruled out at this stage. Moreover, the deceased Vijayalaxmi was a member of scheduled caste and the crime was registered for the offences punishable under Sections 143, 447, 302, 506 read with 149 I.P.C., Sections 3(ii)(v)(va) of SC/ST (POA) Act, 1989 r/w SC/ST (POA) Amendment Act, 2015 where anticipatory bail is impermissible in view of the specific law under the provisions of the Act.”

6. A perusal of the dying declaration of the deceased *prima facie* reveals the role played by the petitioner in the commission of the offences. In this case, the deceased is also a lady.
7. Taking into consideration the gravity of the offences alleged to have been committed by the petitioner, this Court is of the considered view that it is not a fit case to grant anticipatory bail to the petitioner.
8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 31.08.2017

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