

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4794 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner/accused No.1, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.358 of 2017 on the file of the Station House Officer, L.B.Nagar Police Station, Ranga Reddy District registered for the offences punishable under Sections 498-A and 306 of IPC.

2 The learned counsel for the petitioner strenuously submitted that the allegations made in the complaint are bereft of the basic ingredients of Sections 107 of IPC, therefore, the petitioner is not liable for punishment under Section 306 of IPC. He further submitted that the petitioner never subjected the deceased to cruelty, therefore, this is a fit case to grant anticipatory bail to the petitioner. ***Per contra***, the learned Assistant Public Prosecutor representing the State submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioner. He further submitted that the investigation is still in progress, therefore, this is not a fit case to grant anticipatory bail to the petitioner.

3 The facts leading to the filing of the present petition, briefly, are as follows:

4 The de-facto complainant is the mother of one Pushpa, who, hereinafter, is referred as 'the deceased'. As per the version of the prosecution, the marriage of the deceased was performed with the petitioner three years back as per Hindu rites and caste custom.

Immediately after the marriage, the deceased and the petitioner were blessed with a son who is aged about 10 months.

5 As per the allegations made in the complaint, the petitioner used to suspect the fidelity of the deceased due to which she committed suicide. It is further alleged that the petitioner subjected the deceased to cruelty for additional dowry.

6 The petitioner filed CrI.M.P.No.2045 of 2017 on the file of the Court of the XIV Additional Metrooplitan Sessions Judge, Cyiberabad, R.R. District at L.B. Nagar under Section 438 of Cr.P.C and the same was dismissed on 31.05.2017.

7 There is no dispute with regard to the relationship between the petitioner and the deceased. The fact remains that the deceased committed suicide within three years from the date of marriage. The material placed before the court prima facie reveals that the petitioner suspected the fidelity of the deceased which is the root cause for committing suicide by the deceased. Further, the investigation is still in progress.

8 Having regard to the facts and circumstances of the case and also the nature of offences alleged to have been committed by the petitioner, I am of the considered view that this is not a fit case to grant anticipatory bail to the petitioner and accordingly this petition is liable to be dismissed.

9 In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 4th August 2017
Kvsn