

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5209 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner/accused, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.25 of 2017 on the file of the Station House Officer, Trimulgherry Police Station, Secunderabd registered for the offences punishable under Sections 498-A and 306 of IPC.

2 The learned counsel for the petitioner strenuously submitted that even if the allegations made in the complaint are ex facie taken to be true and correct, no case is made out against the petitioner for the alleged offences. He further submitted that the deceased committed suicide in the absence of the petitioner, which itself indicates that the petitioner has nothing to do with the alleged offences, hence this is a fit case to grant anticipatory bail to the petitioner.

3 *Per contra*, the learned Public Prosecutor representing the State submitted that the deceased committed suicide in the house of the petitioner. He further submitted that the allegations made in the complaint, prima facie, constitute the offences alleged to have been committed by the petitioner, therefore, it is not a fit case to grant anticipatory bail to the petitioner.

4 A perusal of the record reveals that the marriage of one Sumaya Iqbal (hereinafter referred to as 'the deceased') was performed with the petitioner as per their caste custom in the year 2010. It is the case of the prosecution that the petitioner subjected the deceased to cruelty for additional dowry. It is the further case of the prosecution that the deceased committed suicide due to the harassment of the petitioner.

5 The father of the deceased is the de-facto complainant. A perusal of the record reveals that on 25.02.2017 the deceased committed suicide in the house of the petitioner. Admittedly, the petitioner was not in the house at the time of the alleged incident. It is the case of the prosecution that the petitioner developed illicit intimacy with another woman. A perusal of the record reveals that the investigation is still in progress. The material placed before the Court, prima facie, reveals the role played by the petitioner in commission of the alleged offences.

6 Having regard to the gravity of the offences alleged to have been committed by the petitioner, as well as the stage of the investigation, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner.

7 In the result, the petition is dismissed.

Date: 21st August 2017
Kvsn

T.SUNIL CHOWDARY, J