

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4413 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.2, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.37 of 2017 on the file of the Station House Officer, Bapatla Rural Police Station, Guntur District, registered for the offence punishable under Section 306 IPC.

2. The learned counsel for the petitioner strenuously submitted that the deceased Ravichandra committed suicide on 06.04.2017, whereas the complaint was lodged on 05.05.2017, that itself falsifies the prosecution version. He further submitted that the *de facto* complainant did not produce the alleged suicide note of the deceased on 13.04.2017, on which date a panchayat was held in the presence of caste elders, this aspect goes to the very root of the prosecution case. He further submitted that the *de facto* complainant lodged a complaint on 05.05.2015 on coming to know about the complaint lodged by accused No.1 on 12.04.2017, therefore, it is a fit case to grant anticipatory bail to the petitioner.

3. Learned Additional Public Prosecutor strenuously submitted that the recitals of the suicide note *prima facie* reveal the role played by the petitioner. He further submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner; therefore, it is not a fit case to grant anticipatory bail to the petitioner.

4. The facts leading to filing of the present petition are briefly as follows:

On 05.05.2017 one Pyaril Babu Rao lodged a complaint to the State House Officer, Bapatla Police Station, Guntur District, who in turn registered a case in Crime No.37 of 2017 under Section 306 IPC. It is the case of the prosecution that the marriage of accused No.1 was performed with the deceased nearly eight years back. Out of lawful wedlock, accused No.1 and the deceased were blessed with two children. It is further case of the prosecution that accused No.1 developed illicit intimacy with the petitioner, which is root cause for committing of suicide by the deceased Ravichandra. The petitioner filed CrI.M.P.No.1129 of 2017 in Crime No.37 of 2017 on the file of III Additional Sessions Judge, Guntur, under Section 438 Cr.P.C., and the same is dismissed on 07.06.2017.

5. The fact remains the *de facto* complainant did not disclose the suicidal note of the deceased on 13.04.2017, on which date the panchayat was held. It is the case of the petitioner that accused No.1 lodged a complaint to police on 12.04.2017 and 02.05.2017, but no case was registered against the *de facto* complainant herein and others.

6. Learned Additional Public prosecutor submitted that so far police have not received the complaint of accused No.1. The entire case revolves around the alleged suicide note of the deceased. As per the recitals of the suicide note, the deceased committed suicide due to illicit intimacy of the petitioner with accused No.1. Learned

Additional Public Prosecutor submitted that the alleged suicide note was sent to the Forensic Laboratory for ascertaining the truthfulness or genuineness of the document. This is not a stage to express any opinion with regard to the suicidal note in view of pendency of investigation. A perusal of the record *prima facie* reveals the role played by the petitioner.

7. Taking into consideration the nature of the offence 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.

AUGUST 02, 2017
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T.SUNIL CHOWDARY, J



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Date:02.08.2017

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