

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7995 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused, under Section 438 of Cr.P.C., to grant pre arrest bail in Crime No.168 of 2017 on the file of the Station House Officer, Shamirpet Police Station, Cyberabad, for the offence under Section 306 IPC.

2. The learned counsel for the petitioner 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 petitioner for the offence under Section 306 of IPC. He further submitted that the petitioner has to look-after his son. *Per contra*, learned Additional Public Prosecutor representing the State submitted that Anusha (the deceased) gave dying declaration; therefore, it is not a fit case to grant pre arrest bail to the petitioner.

3. The marriage of Anusha was performed with the petitioner about three years back. Out of lawful wedlock, they were blessed with a boy, now aged about two years. The case of the prosecution is that the petitioner subjected Anusha to cruelty for additional dowry and unable to bear the harassment, she poured kerosene on her, set ablaze and thereby committed suicide on 12.5.2017. Basing on the complaint lodged by Anusha herself, the above case was registered originally for the offence under Section 498-A IPC. After her death, section of law was altered to Section 306 of IPC.

4. In order to appreciate the rival contentions, this Court has carefully perused the material available on record including the dying declaration.

5. Taking into consideration the nature of allegations made in the complaint as well as the contents of the dying declaration, this Court is of considered view that it is not a fit case to grant pre arrest bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

October 06, 2017
YS

