

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.2154 OF 2017

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C to enlarge the petitioners/A3 to A5 on bail in the event of their arrest in connection with PRC No.117 of 2012 of Sanathnagar Police Station, Cyderabad, registered for the offences punishable under Sections 306 and 498-A of IPC.

The petitioners are brothers of A2 and that they performed the marriage of Bhagya @ Navya with A1 and they lived happily for some time, thereafter she was subjected to cruelty, therefore, she came to her parents' house. But the *de facto* complainant, her brother settled the matter and sent her to in-laws house on 25.07.2012 and on the same day, he received information from his brother-in-law that his sister committed suicide and that the accused are responsible for the said commission of suicide.

On the strength of the complaint, police registered a case in Crime No.394 of 2012 and the investigating agency recorded statements of LWs2 and 3 and found that A3 to A6 were also responsible for commission of suicide by Bhagya @ Navya. After completion of investigation, police filed charge sheet in the year 2012 before the Judicial Magistrate of First Class and it is pending till today at the PRC stage as the petitioners found absconding.

The statements of LWs.2 and 3 shows that the petitioners also subjected the deceased Bhagya @ Navya to cruelty i.e. both physically and mentally. Similarly, the statement of LW.3 discloses

the same. On the strength of the evidence collected during investigation, these petitioners are also arrayed as A3, A4 and A5 in the above crime.

The main contention of the learned counsel for the petitioners is that there are no allegations in the FIR against the present petitioners. In the absence of their role in the alleged crime, about the role of petitioners in the crime, they are entitled for pre-arrest bail and that FIR is only intimation to the police about occurrence of cognizable offence and it is not a conclusive proof. Therefore, mere absence of their role itself is not a ground to come to *prima facie* conclusion that they did play role in the above offence.

The entire investigation is completed and charge sheet is filed pointing out the role of the petitioners. However, it is difficult for this Court to conclude that the petitioner committed offence at this stage. Curiously, these petitioners were absconding for the last five years successfully avoiding their arrest. In such a case, they are not entitled to claim pre-arrest bail. Therefore, I find no ground to grant pre-arrest bail to the petitioners and the petition is liable to be dismissed.

With the above observations, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

20.03.2017
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