

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6629 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.1, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.227 of 2017 on the file of the Station House Officer, Kodad Town Police Station, Suryapet District, registered for the offences punishable under Sections 498-A and 306 of IPC.

2. The learned counsel for the petitioner submitted that the allegations made in the complaint do not constitute any offence much less the offence punishable under Section 306 of IPC. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, accused No.2 admonished the deceased to commit suicide and not the petitioner-accused No.1; therefore, it is a fit case to grant bail to the petitioner. The learned Additional 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, who is the husband of the deceased. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

3. The facts leading to filing of the present criminal petition are as follows: Didakuntla Laxmi is the de facto complainant in this case. Aruna (hereinafter referred to as, the deceased) is the daughter of the *de facto* complainant. A perusal of the record reveals that the marriage of the deceased was performed with the petitioner on 15.4.2012 as per Hindu rites and caste customs.

Immediately after the marriage, the deceased joined the petitioner to lead marital life. Out of lawful wedlock, they were blessed with a son. In the complaint, it is alleged that the petitioner along with accused No.2 used to abuse the deceased without any reason whatsoever. It is further alleged that the petitioner admonished the deceased for not looking after the son in proper manner. On 19.6.2017, at about 6.15 p.m., the deceased, over phone, narrated the *de facto* complainant the manner in which the petitioner and accused No.2 have been subjecting her to cruelty. The record reveals that the deceased committed suicide on 20.6.2017.

4. The petitioner filed CrI.M.P. No.830 of 2017 on the file of the Court of II Additional Sessions Judge, Nalgonda at Suryapet under Section 439 of Cr.P.C., and the same was dismissed on 24.7.2017 on the ground that the investigation was in progress. The learned Additional Public Prosecutor submitted that the investigation is pending and the R.F.S.L. report is to be received.

5. Taking into consideration the nature of the offences alleged to have been committed by the petitioner and the stage of the investigation, I am of the considered view that it is not a fit case to grant bail to the petitioner.

6. In the result, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 07, 2017
YS