

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.4949 of 2017

ORDER:

In this petition filed under Section 438 Cr.P.C, the petitioner/accused seeks pre-arrest bail in Crime No.85 of 2017 of Addateegala PS, East Godavari District which was initially registered under Sec.174 Cr.P.C and later altered to Sec.498-A and 304 IPC.

2) The deceased is the wife of the accused. It is alleged that ever-since the marriage, himself and his family members used to harass the deceased for additional dowry and also on the ground that she did not beget the male child. While-so on 24.11.2016, the accused brought the dead body of the deceased in a car to his in-laws house and stated as if she died due to ill-health and inspite of providing treatment, she could not survive. Initially the parents-in-law of the accused believed his version and cremated the deceased. Thereafter, having regard to the past incidents, on suspicion when they intensely questioned the accused about the real cause of death of the deceased, he used to give evasive replies, on that the mother-in-law of the accused questioned the 4 years old daughter of the accused and she allegedly stated that on the date of death of the deceased, the accused beat her mother on the neck and pressed her mouth and also kicked on her stomach. On that, a complaint was lodged against the accused. The dead body was exhumed and investigation is reported to be pending.

3) A perusal of the CD file shows strong *prima facie* case against the accused and investigation is still pending and charge sheet is yet to be filed. Having regard to these facts, it is not a fit case to grant anticipatory bail to the accused.

4) While dismissing the petition, the petitioner/accused is directed to surrender before the concerned Court and seek for regular bail in which case, the concerned Court shall dispose of his bail application on merits on the same day.

Dt: 20.07.2017
scs

U.DURGA PRASAD RAO, J

