

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.3520 of 2017

ORDER:

In this petition filed under Section 438 Cr.P.C., petitioner/Accused seeks pre-arrest bail in Crime No.106 of 2017 of MVP PS, Visakhapatnam.

2) On the complaint lodged by one Dudhi Sankar Rao, the police registered the above crime and investigation is pending. The complaint allegations are to the effect that on 14.03.2017 the complainant and his colleagues attended for cremation of Singampalli Narasinga Rao at burial ground, near Waltair bus depot and after completion of cremation while they were returning, they found one male person with an infant in the bag and trying to bury the infant. On suspicion when they questioned, he replied that he came to bury the infant as she died and the parents were waiting outside the burial ground. On verification of the bag, the complainant and others found the female infant was alive. Suspecting his acts they lodged the complaint. The police registered the crime and investigated into.

3) The petitioner is the father of the infant. Seeking bail, learned counsel for petitioner would submit that previously his wife delivered a premature baby and died on 30.07.2015. Later, again she conceived pregnancy and joined Krishna Hospital, Visakhapatnam and doctors informed that the baby in the womb was in critical position and cesarean operation would be required. The petitioner and his wife agreed and the

doctors upon conducting operation, delivered infant baby. At that time, the doctors informed the parents of baby that except for few hours, the baby may not survive. On hearing it, the mother was shocked and the petitioner also depressed. Thereafter the infant was handed over to petitioner on 14.03.2017 at about 4:00pm informing that the baby died. Though the petitioner asked for death certificate, the Hospital authorities refused to issue. In the meanwhile, without the knowledge of the petitioner and his wife, it appeared A.1 took the dead body to bury it under the impression that the baby died. Learned counsel for petitioner would submit that the petitioners spent huge amount for having children and there was no need for them to bury their own child if she alive.

4) Learned Addl. Public Prosecutor opposed the bail contending that the petitioner himself gave the baby to A.1 to bury her on the impression that she may not survive.

5) The C.D file contains the confessional statement of A.1 which reveals that the infant was alive when he took her to the burial ground and the infant was given to him by the petitioner stating that the child would die and therefore, he was giving her to him to bury at burial ground and on that A.1 agreed to bury the infant at burial ground. He waited at Hospital Gate and at about 17:00 hours, the petitioner came with the infant by wrapping her in a cloth bag and both of them went to burial ground, Waltair RTC bus depot, and after reaching burial ground, the petitioner left the place and A.1 alone entered the burial ground to bury the infant. In the meanwhile, the complainant and others saw him.

Thus the statement of the A.1 creates any amount of doubt on the conduct of the petitioner. Ofcourse, the truth has to be unearthed by making a thorough investigation. The C.D file shows that investigation is in the nascent stage. As the matter stands, in view of the gravity of charge and pending investigation, the petitioner does not deserve anticipatory bail.

6) Accordingly, this petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 16.06.2017
scs

U. DURGA PRASAD RAO, J

