

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2457 of 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/accused on pre-arrest bail since she is apprehending arrest in connection with Crime No.189 of 2016 of Sangareddy Town Police Station, Medak, registered for the offence punishable under Section 306 IPC.

The case of the prosecution is that on 07.06.2016 at about 00.30 hours, P. Srinivaslu, the husband of the deceased--Latha, lodged a complaint to the SHO, Sangareddy, alleging that his marriage with deceased--Latha was performed in 1995 and they blessed with two daughters and on 30.05.2016 his wife went to his aunt's house at Uppuguda and later on 01.06.2016, he along with his children and mother went to his sister's house at Shapur village of Gulbarga District, Karnataka State. Thereafter, on 5.6.2016, he came to Sangareddy and attended his duties at School, Sadasivpet, as teacher and after completion of his work, at about 22.30 hours, he went to his wife situate at Uppuguda where his wife and his wife's sister-in-law scolded with one family matter before him and later on 6.6.2016 at 8.30 hours, he along with his wife came to Sangareddy and he suggested her to forget the matter, which occurred earlier, and he went to his duty. After completion of his work at 21.45 hours, he returned back to home and noticed that his house doors were locked keeping into the room and there he found the dead body of the deceased was hanging to a fan hook and thereafter he intimated the same to the

police and in the presence of police doors were broke open and a suicide note was found in the chair making it clear that the petitioner is responsible for the death of his wife. On the strength of the Complaint, the suicide note was seized by the police and thereafter they registered a case in Cr.No.189 of 2016 of Sanga Reddy Police Station, Telangana State, for the offence under Section 306 IPC.

It is the contention of the learned counsel for the petitioner is that the petitioner is no way concerned to the offence and she is aged 27 years, whereas the deceased aged 48 years blessed with two children aged about 19 and 17 years. The petitioner was blessed with a child less than 3 years old and therefore, the question of committing such an offence or abutting to commit suicide by the deceased would not arise and if she released on pre-arrest bail, she would interference with the investigation by the petitioner, as contended by the learned Public Prosecutor, does not arise.

Learned Public Prosecutor for the State of Telangana contended that the investigation is in mid way and in case the petitioner is enlarged on bail, there was a possibility of influencing the witnesses and interfering with further investigation and prayed for dismissal of the petition.

As seen from the material on record, the relationship between the petitioner and the deceased is not in dispute. On 5.6.2016 the wife of the de facto complaint and his wife's sister-in-law--Nikitha scolded with a family matter before him and later on 6.6.2016 at 8.30 hours, he along with his wife came to Sangareddy

and he suggested her to forget the issue occurred on 5.06.2016 and he went to his duty. After completion of his work at 21.45 hours, he returned back to home and noticed that the doors of his were locked and there he found the dead body of the deceased was hanging to a fan hook. Thus, she committed suicide due to the abetment, allegedly, committed by the petitioner.

No doubt, the word 'abetment' of a thing is defined in Section 107 of IPC. According to Section 107 (3) IPC, whoever intentionally aids, by any act or illegal omission, the doing of that thing is said to have abetted. Here, by the act of petitioner, as the petitioner picked up quarrel with the deceased—Latha and abused her in filthy language on 5.6.2016 to commit suicide. Thus, the alleged act is within Clause 3 of 107 IPC, *prima facie*. Therefore, it is difficult, at this stage, to conclude that there is no material, *prima facie*, and that too investigation is not completed. Therefore, it is not a fit case to grant pre-arrest bail to the petitioner at this stage and hence, this Petition liable to be dismissed.

Accordingly, this Petition is dismissed.

Miscellaneous petitions, if any, pending in this case, shall stand closed.

March 30, 2017
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M. SATYANARAYANA MURTHY, J

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt.30-03-2017

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