

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11663 OF 2017

ORDER:

This Criminal Petition, under Sections 437 & 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner-accused for grant of bail in connection with Crime No.191 of 2017 on the file of Kothapet Police Station, Guntur District, registered for the offence punishable under Section 307 I.P.C. During the course of investigation, the *de facto* complainant died on 10.08.2017; hence, the police altered the Section as 302 I.P.C.

2. Heard the learned counsel for petitioner-accused, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner was falsely implicated in this case due to marital dispute between him and his wife. The deceased is his father-in-law aged 67 years. The charge sheet is already filed. The petitioner was arrested and remanded to judicial custody on 03.08.2017. The petitioner is ready to furnish adequate surety. The petitioner is also suffering from severe health problems. The alleged incident was fabricated for the purpose of this case and ultimately, prayed the Court to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner.

5. The point for determination is whether the petitioner is entitled for regular bail?

6. The material on record reveals that one Kurra Vani was given in marriage 20 years back to the petitioner-accused and they are blessed with two children and thereafter, differences arose between them. Kurra Vani filed a divorce petition before the Family Court. The petitioner-accused apprehended that in the event of divorce, he would not succeed her property. When the case was adjourned to 04.08.2017, the petitioner-accused went to the house of his wife- Kurra Vani on 30.07.2017 and abused her in filthy language and made an attempt to do away with her life. On hearing the galata, the father-in-law of petitioner-accused went there and tried to pacify the petitioner-accused. The petitioner-accused attacked his wife and caused injuries. When his father-in-law tried to intervene, he stabbed his father-in-law on the right side of stomach and caused grievous injuries and also caused injury on the right elbow. Immediately, the *de facto* complainant and his daughter were taken to the hospital and the *de facto* complainant succumbed to the injuries on 31.07.2017. There is also specific mention in the statement given by the deceased about the presence of his grandsons, presence of his second daughter and her husband by name V.Ramu at the place of offence and that they are direct witnesses to the alleged offence and there is record to show that the petitioner-accused is responsible for subject death and injuries to his wife. Learned Additional Public Prosecutor would submit that in the event of grant of bail to the petitioner-accused, the petitioner-accused would attack the eye witnesses and there is a threat to their life. He further submits the manner in which the petitioner attacked his wife Kurra Vani and his father-in-law deserves stringent punishment. The said apprehension cannot be brushed aside. The

punishment for the alleged offence is imprisonment of life or death. There is a threat to the eye witnesses. Release of the petitioner-accused on bail would hinder the investigation and there will be no fair trial. There is *prima facie* case against the petitioner-accused. In the above circumstances, the petitioner-accused is not entitled for bail.

7. In the result, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

12.12.2017
MVA

