

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11749 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A1 for the offence alleged under Section 306 IPC.

2. Heard learned counsel for the petitioner-A1, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A1 would submit that there is no abetment to commit suicide in this case. The petitioner-A1 is an innocent person. He is living in Hyderabad, whereas Chitta Seetha Maha Lakshmi (hereinafter referred to as 'the deceased') was living at Guntur District. Relied on a decision of High Court of Chattisgarh, Bilaspur in M.Cr.C.No.2312 of 2005, dated 10.11.2005, between *Samarth Shrivastava and others* and *State of Chattisgarh*.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A1 stating that there is a suicidal note of the deceased, wherein there is a specific mention that the petitioner-A1 abetted the commission of offence and also forcing the deceased to do prostitution to make easy money.

5. The material on record reveals that the deceased married to one Killam Venkata Reddy in the year 1993. Thereafter, there were differences between them. Both of them got separated. The deceased started living with her two daughters, aged 16 years and 14 years. The elder daughter namely Kallam Nikhita is the de facto

complainant in this case. When the deceased separated from her husband, the petitioner-A1 used to visit the deceased. Differences arose between the deceased and the petitioner-A1 with regard to apartment business. Then she came to Guntur and living with her parents. Thereafter, the deceased developed intimacy with one Siva Nagaraju and he used to visit the deceased and children often. The petitioner-A1 used to make calls and used to threaten the deceased. Thereafter, having vexed with the threats given by the petitioner-A1 and his friends, the deceased committed suicide by hanging to a ceiling fan on 01/02.08.2013. There is also suicidal note of the deceased, wherein there is a specific mention that the petitioner-A1 and his friends forcing the deceased to do prostitution to make easy money. The facts in the decision cited by the learned counsel for the petitioner-A1 are distinct from the facts in the instant case. In view of material placed on record, it cannot be said that there is no abetment to commit suicide by the deceased. The allegations against the petitioner-A1 are grave and serious. The name of the petitioner-A1 is found in the F.I.R.

6. Under these circumstances, it is not a fit case to grant bail to the petitioner-A1 under Section 438 Cr.P.C.

7. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 08-12-2017

Hsd