

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11534 OF 2017

ORDER:

So far as petitioner/A.3 is concerned, Criminal Petition is dismissed as not pressed.

2) Heard learned counsel for the petitioners/A.1 and A.2, learned Additional Public Prosecutor for the respondent State and perused the record.

3) This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners/A.1 and A.2 in Crime No.499 of 2017 of P.M.Palem Police Station, Visakhapatnam City, registered for the offence punishable under Section 306 I.P.C.

4) The First Information Report, is issued under Section 306 I.P.C. FIR was lodged by father of the deceased Kavya on 07.10.2017. Thereafter, the father of the deceased lodged another report on 09.10.2017, wherein he requested the police to take action against A.1 and his parents.

5) Learned counsel for the petitioners would submit that the petitioners are innocent persons and falsely implicated in this case. Learned counsel would further submits that the 2nd report was lodged with the police after due deliberations. In fact, there was a gallata at the house of the deceased with regard to her marriage and that lead to the suicide of the deceased and ultimately, prayed to allow the application.

6) On the otherhand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners/ A.1 and A.2 and also submitted that the mother of the deceased was in shock. Therefore, she did not state the true facts to her husband. Narrating the facts, the father of the deceased made another report to the police on 09.10.2017.

7) The material on record reveals that the daughter of the *de facto* complainant, by name Kona Kavya, was studying final year degree. In the year 2015, she went to the marriage of her relative. There, she came in contact with A.1. Thereafter, there was a love affair between them. The parents of the A.1 as well as parents of the deceased Kavya agreed for their marriage. The parents of A.1 took time to perform the marriage. Thereafter the petitioners/A.1 and A.2 were postponing the marriage for one reason or the other. Thereafter, the deceased came to know that petitioner/A.1 was moving closely with his sister-in-law and A.2 is ready to perform the marriage of A.1 with that girl. Having come to know the same, the deceased Kavya questioned petitioner/A.1, one day before her commission of suicide in the evening hours. Thereafter, it is alleged that A.1 made clear that he would marry his sister-in-law only and do whatever she wanted to do. The same was narrated by the deceased to her friend as well as her mother and then on 07.10.2017 afternoon she committed suicide at her house.

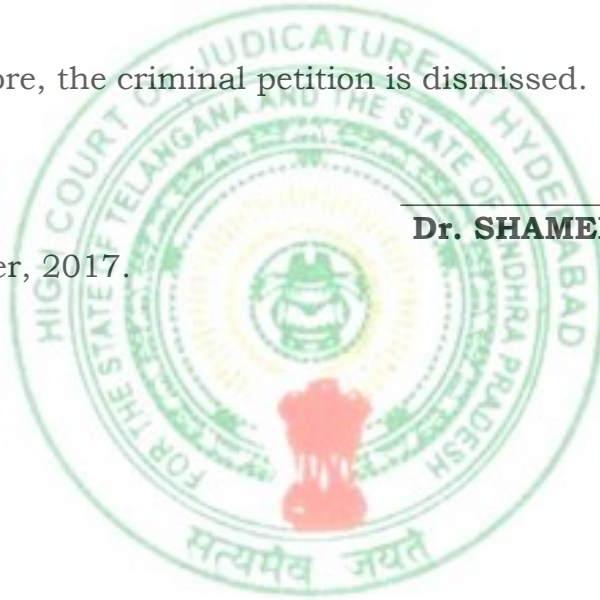
8) The submissions made by the learned Additional Public Prosecutor are that the mother of the deceased was in shock and therefore, she could not reveal the same, for about two days.

9) It is quite natural for the parents and nearest relatives of the deceased to go in shock when such kind of misery takes place. Therefore, it cannot be said that the second report dated 09.10.2017 was lodged after due deliberations. There are specific and grave allegations against the petitioner/ A.1 and his father—A.2, firstly agreeing the marriage and thereafter postponing the same. It cannot be said that there is no nexus between the acts of the petitioners/ A.1 and A.2 and the death of the deceased. The matter requires thorough investigation. The petitioners/ A.1 and A.2 are not entitled to anticipatory bail under Section 438 Cr.P.C.

10) Therefore, the criminal petition is dismissed.

07th December, 2017.
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Dr. SHAMEEM AKTHER, J



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Date:07.12.2017

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