

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12264 OF 2017

ORDER:

This Criminal Petition is filed by the petitioners/A.1 and A.2 under Section 438 Cr.P.C. for grant of anticipatory bail to them in Crime No.244 of 2017 of Narsipatnam Town Police Station, Visakhapatnam District, registered for the offence punishable under Section 306 r/w 34 I.P.C.

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

3. The learned counsel for the petitioners/A.1 and A.2 would submit that the deceased G.Srinivasa Rao consumed poison in front of the house of the owner of the bunk. The petitioners/A.1 and A.2 are in no way responsible for the alleged suicide. There is no abetment to commit suicide and ultimately prayed to allow the application.

4. The learned Additional Public Prosecutor opposed for grant of bail to the petitioners/A.1 and A.2.

5. During the course of submissions, it has come to light that the earlier bail application was dismissed by this Court in Criminal Petition No.9970 of 2017 on 06.11.2017, as withdrawn. As seen from the copy of the suicide note dated 04.10.2017, there is specific mention that these petitioners are responsible for the death of the deceased G.Srinivasa Rao. It is also mention in the First Information Report that there is a difference of Rs.5 lakhs with regard to the purchase and sale of oil relating to the subject bunk, where these petitioners/A.1 and A.2 are working. The petitioners/A.1 and A.2 held that the deceased responsible for the said difference and there is utterance by these petitioners to die. The same

was said to have been narrated by the deceased to his wife before his death. There is record to show that the deceased was put to mental and physical torture and ultimately he committed suicide by consuming poison on 04.10.2017. The allegations are grave. The matter requires thorough investigation. In the event of enlargement of bail, there is every possibility of winning over the witnesses. It is not a fit case to grant bail under Section 438 Cr.P.C.

6. Accordingly, this Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 19-12-2017.

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