

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.12278 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 & A.2, for grant of anticipatory bail in the event of their arrest in Crime No.145 of 2017 on the file of the Pedemul Police Station, Vikarabad District, registered for the offences punishable under Sections 306, 504, 506 of I.P.C., Section 3(1)(zc)(s)(r) of SCs & STs (POA) Amendment Act, 2015, and Section 3(2)(v) of SCs & STs (POA) Act.

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

3. The learned counsel for the petitioners/A.1 & A.2 would submit that the petitioners/A.1 & A.2 are innocent persons and falsely implicated in this case. They have nothing to do with the dispute between the deceased and M.Ramulamma belonging to their village. They only acted as mediators and proposed the marriage between the deceased and M.Ramulamma, as they were in love with each other. The petitioners/A.1 & A.2 called the deceased and his family members to their house but not to the public place. Moreover, the petitioners/A.1 & A.2 did not abuse the deceased and his family members in the name of caste and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioners/A.1 & A.2.

5. The brother of the deceased, B.Ramakanth, lodged a report with the police on 01.12.2017, stating that his brother B.Ashok (the deceased), who was working in a private firm, fell in love with M.Ramulamma, 17 year old. On 29.11.2017 evening, the petitioners/A.1 & A.2 have called him and his family members to their house. When the petitioners/A.1 & A.2 questioned the mother of the de-facto complainant with regard to marriage of the deceased with M.Ramulamma, she stated that her family members are ready for performing the marriage of the deceased with M.Ramulamma. Thereafter, on 30.11.2017, in a Panchayat, the petitioners/A.1 & A.2 have demanded the deceased and his family members to deposit Rs.2,00,000/- or to register 2 acres of land, as a deposit for the marriage between the deceased and M.Ramulamma. It is also alleged that the petitioners/A.1 & A.2 have abused the deceased and his family members in the name of caste as 'MALA MUNDAKODUKULU I UNDI MEMU CHEPPINDI VINARARA'. Thereafter also, the deceased was called to the house of petitioners/A.1 & A.2 and was abused. Due to the insult meted out, the deceased committed suicide on 30.11.2017. On a report by the brother of the deceased, the instant crime is registered and is under investigation.

6. There are specific allegations against the petitioners/A.1 & A.2 that they have abused the deceased and his family members in the name of caste. There is also specific mention in the report that the petitioners/A.1 & A.2 have demanded the deceased and his family members to deposit Rs.2,00,000/- or to register 2 acres of land in their favour, as a guarantee for the marriage between the deceased and M.Ramulamma. There is no mention that the alleged abuse took

place within the four corners of the house of the petitioners/A.1 & A.2. The panchayat was held near the houses of petitioners/A.1 & A.2. The matter requires investigation. The gravity of the offence is also high. Release of the petitioners/A.1 & A.2 on bail would hinder the investigation. There is possibility of winning over the witnesses. It is not a fit case to allow this application under Section 438 of Cr.P.C.

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

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

19th December, 2017
Bvv



Dr. SHAMEEM AKTHER, J