

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CRIMINAL PETITION No.2940 of 2018****ORDER:**

This Criminal Petition, under Section 438 Cr.P.C, is filed by the petitioners to enlarge them on bail in the event of their arrest since they are apprehending arrest in connection with Crime No.3 of 2018 of Nampally Police Station, Nalgonda District, registered for the offence under Section 302 IPC.

It is the case of the prosecution that one Ganesh Marepalli committed suicide on 05.01.2018 by pouring kerosene on his body in Mahammadapur village, Nampally Mandal, Nalgonda District and on that T. Venkateswarlu, Revenue Assistant of Mahammadapur Village, has lodged a complaint with police on 05.01.2018 and basing on the complaint given by Venkateswarlu, the Police registered a case in Cr.No.309 of IPC against Marepally Ganesh, who has shown as sole accused in the above said FIR. As seen from the material on record, an altered Memo was filed before the Magistrate on 12.01.2018 altering Section of law from 309 IPC to Section 302 IPC, but till date, no order was passed by the Magistrate concerned.

It is the contention of the learned counsel for the petitioners that they are not responsible for the death of Marepally Ganesh and the alleged alteration of section of law from Section 309 IPC to Section 302 IPC is not based on any material and there is no *prima facie* material to show that these petitioners are responsible for the death of Ganesh Marepally.

Learned Public Prosecutor for the State of Telangana contended that Dying Declaration was recorded by the Magistrate directly pointing out the complexity of these petitioners and the investigation is not yet completed and at this stage, the petitioners cannot be released on pre-arrest bail.

The main grievance of the petitioners is that they are unconcerned with the death of Ganesh Marepalli and the cause for the death is due to love affair with Marepalli Rani, D/o Yadaiah and threat by the father of Marepalli Rani.

As seen from the Dying Declaration of injured-Ganesh, the cause for the death was love affair between Rani and the Ganesh and due to threat by the father of Rani etc. However, the investigation in this case is not yet completed and at this stage, the petitioners cannot be enlarged on pre-arrest bail as there is a possibility to interfere with the investigation and that apart, the offence allegedly committed by the petitioners is serious in nature and therefore, this Court is not inclined to grant pre-arrest bail to the petitioners at this stage and consequently, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 21-03-2018
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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