

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.3412 OF 2018

ORDER:

This criminal petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'CrPC') to enlarge the petitioner/A.2 on bail in Crime No.16 of 2018 of V.Sataram Police Station, SPSR Nellore District, registered for the offence punishable under Section 307 326(a) (b) read with 34 of the Indian Penal Code, 1860 (for short 'IPC').

The specific allegation made against the petitioner is that he is working in the iron scrap shop of A.1 and through the petitioner, A.1 procured Acid and poured on the *de facto* complainant. On hearing cries, the neighbours came and shifted her to hospital at Nellore for treatment and she died after five days as inpatient on 07.02.2018 at about 5.00 p.m., and accordingly, altered section of law from 307 IPC to 302 IPC, issued FIR and investigated in to the offence.

The main contention of the petitioner is that there is no specific allegation against the petitioner and in the absence of any allegations, the petitioner cannot be enroped with the serious offence and the Court can record its satisfaction and that if the petitioner committed any offence much less an offence punishable under Section 302 and 326(A) of IPC, *prima facie*, the Court can enlarge the petitioner on bail.

The Public Prosecutor (A.P.) opposed the petition on the ground that during investigation, the injured was examined before her death and recorded her statement by the Inspector of Police, Nellore Rural Circle on 02.02.2018, where she clearly disclosed

- 2 -

that her husband procured Acid through the petitioner and both were at house, and A.1 poured Acid and caused injuries, which led to death.

When the material on record suffice to conclude *prima facie* that the petitioner also involved in the above crime that aiding A.1 to procure the acid and to pour Acid, and the investigation is not completed and at this stage it is not fit case to grant bail to the petitioner and hence the petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

Date: 13.04.2018
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M. SATYANARAYANA MURTHY, J

