

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3583 OF 2018

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'CrPC') by the petitioners/ A.9 and A.10 to grant pre-arrest bail in Crime No.82 of 2017 of Markapur Rural Police Station, Prakasam District, apprehending their arrest in connection with the above crime registered for the offence punishable under Section 306 of the Indian Penal Code, 1860 (for short 'IPC').

The mother of the deceased-Bellamkonda Balakrishna lodged a report with the police on 12.07.2017 alleging that when the *de facto* complainant and others including the deceased attending to adjournments in the Court in connection with the case registered against them for the offence punishable under Section 304-B of IPC the parents of the deceased - Kondamma and their relatives Dosakayalapati Yellamanda, Kotaiah, Renimadugu Koteswara rao, Siva Dosakayalapati Guravaiah, Renimadugu Nageswara Rao etc., caught hold of her Son Balakrishna and threatened to kill by beating and her son having vexed with the life committed suicide consuming pesticide mixing with alcohol in her house. On the basis of the complaint, the crime was registered and issued First Information Report.

The main contention of the petitioners that their names were not referred in the entire complaint and, they are nothing to do with the offence punishable under Section 306 of IPC.

Whereas the Public Prosecutor for the State of Andhra Pradesh contended that the suicide note disclosed about the reason for commission of suicide by the son of the *de facto* complainant and on

the strength of the contents of suicide note, he contended that the petitioners are also responsible for commission of suicide by the son of the *de facto* complainant and that the investigation is not yet completed and prayed to dismissal of the petition.

Undoubtedly, there is no reference about the involvement of the petitioners/A.9 and A.10 in the F.I.R. But the report lodged with the police is an information to police about commission of offence cognizable and it need not contain minute details, since the complaint is not an encyclopedia of facts, but during the investigation, the police seized the suicide note written by the deceased- Balakrishna.

In view of details mentioned in the suicide note, at this stage it is difficult to conclude that the petitioners did commit no offence and there is no *prima facie* material to grant pre-arrest bail directing the police to release the petitioners in the event of their arrest, in view of the contents of the suicide note written by the deceased - Balakrishna. Pre-arrest bail is not a matter of routine and it is a matter of exception. Unless the petitioners show that there are exceptional circumstances which entitle them to claim pre-arrest bail, the Court cannot grant pre-arrest bail. I find no such exceptional circumstances to issue a direction to the Station House Officer to release the petitioners on bail in the event of their arrest. The petition is devoid of merits and taking into consideration of the gravity and seriousness of the offence, the petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

02.04.2018

Note: Issue copy by 03.04.2018.

b/o. BV