

ORDER:

The petitioner, who is accused in Crime No.104 of 2018, on the file of Kurnool III Town Police Station, Kurnool District, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 498-A, 312 and 302 I.P.C. and Section 4 of the Dowry Prohibition Act.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State and perused the F.I.R and bail application averments.

3. The petitioner is the sole accused. The alleged occurrence taken place on 19.04.2018 and above crime was registered on 20.04.2018. The petitioner was arrested on 25.04.2018 and he is in judicial custody since then.

4. The learned Public Prosecutor opposed the bail application.

5. The contention of the petitioner is that he is innocent and falsely implicated and otherwise entitled to the concession of bail from investigation mostly completed but for filing charge sheet.

6. A perusal of the record shows that the deceased sustained as many as 11 external injuries and even in the inquest report of the inquest conducted on the body of the deceased besides killed the child in the womb by miscarriage to the deceased and foetus of 8 months and the deceased is no other than wife of the deceased. The very report vis-à-vis the statements of the brother of the deceased, sister and brother-in-law of the accused also show the petitioner's behaviour is extraordinary and pretended as

psycho and in fact undergoing treatment through Neuro Psychologist since 2015 and he killed so brutally the deceased wife with the child in the womb on alleged suspicion about 10 years after their marital tie, while living together.

7. On perusal of the material, the petitioner no way deserves concession of bail, though Court is otherwise bound to balance personal liberty with propensity of crime, leave apart even investigation entirely completed but for examination of the Doctor, who conducted autopsy from his out of availability as staying abroad and as pointed out by the learned Public Prosecutor, as per the settled expression of the Apex Court in the State of Maharashtra v. Dr. Praful B. Desai¹, way back in 2003 to record by video conference even Skype technology besides examination with another Doctor with regard to case records of the hospital. However, as referred supra, the investigation completed is not a ground to grant the concession by keeping larger interest of the Society in negating the concession of bail.

8. Accordingly, the Criminal Petition is dismissed.

9. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B. SIVA SANKARA RAO

Date: 25.07.2018
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¹ (2003) 4 SCC 601