

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.7709 of 2018

ORDER:

The petitioners are A.2 and A.3 of Cr.No.12 of 2018 of Lepakshi Police Station, Anantapur District, registered for offences punishable under Sections 354, 323 and 304 r/ w 34 IPC, now seeking anticipatory bail.

The case of the prosecution is that on 31.01.2018 at about 6.20p.m, the A.1 came to the house of defacto-complainant (father-in-law of the deceased) and questioned the defacto-complainant as to why he told his(A.1's) mother that his(A.1's) wife eloped with somebody and saying so beat him and when the deceased came to rescue her father-in-law(defacto-complainant), the A.1 beat the deceased also and throttled her by pulled her sari and outraged her modesty. On next day i.e. 01.02.2018 the deceased was shifted to Government hospital, Hindupur, where she went unconscious as her throat was pressed by the accused later she was shifted to the Hospital at Bangalore for better treatment where she was declared died on 02.02.2018 while undergoing treatment, therefrom the above crime is registered initially for the offences u/ sec.324 and 354 r/ w 34 IPC and later altered to 304 IPC. The police after investigation, filed final report that was taken cognizance by the learned Magistrate for the offences supra. A.1 was arrested and later enlarged on regular bail in CrI.M.P.No.487 of 2018, dt.18.05.2018. The earlier petition of the three accused and even the subsequent petition of the petitioners herein for anticipatory bail in CrI.M.P.No.708 of 2018 ended in dismissal on 16.07.2018 which is even subsequent to the grant of regular bail to A.1 from their non-entitlement to the concession of the anticipatory bail.

Heard the learned counsel for the petitioners and the learned Addl.Public Prosecutor for the respondent-State and perused the bail

application averments, First Information Report and other material on record.

The contentions in the present bail application are that they are innocent and falsely implicated even otherwise from the very prosecution story including from the chargesheet right from the First Information Report, it is A.1 that beat or throttled the deceased and there is no role specifically of A.2 and A.3.

The learned Addl.Public Prosecutor opposed the bail application saying that there are no grounds much less not a case to grant anticipatory bail and custody of the petitioners is also required for investigation from their abscondence.

A perusal of the above facts and submissions, it is not even a case of the petitioners A.2 and A.3 that they were not present at the incident. Once the petitioners are the members of the unlawful assembly and shared common intention and not even a case of they went there to save the victim and not only the deceased was throttled but was beaten irrespective of by whom out of the three accused and there are other injured more than two including the defacto-complainant and on perusal of the post mortem report shows there are 15 external injuries on the deceased which shows it is not mere throttling and something else.

Having regard to the above, the petitioners are not entitled to concession of anticipatory bail.

In the result, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 09.08.2018
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