

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10654 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 and 2, for grant of anticipatory bail in Crime No.116 of 2018 of Markapuram Town Police Station, Markapuram, Prakasam District, initially registered for the offence punishable under Section 174 Cr.P.C., and later, altered to Section 306 read with 34 I.P.C.

2. Heard the learned counsel for the petitioners/A-1 and A-2, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioners/A-1 and A-2 would contend that the petitioners/A-1 and A-2 are innocent persons and they are falsely implicated in this case; that since a complaint was made to the police by petitioner/A-1 against the deceased Leela Naga Prasad and his family members for harassing petitioner/A-1 and petitioner/A-2, a criminal case was registered against them in Crime No.283 of 2017 for the offences punishable under Section 506 read with 34 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and the police also conducted investigation in said crime and filed charge sheet, which disclosed that there is *prima facie* case against the deceased Leela Naga Prasad; that the petitioners/A-1 and A-2 have not collected any amount from the deceased Leela Naga Prasad; that the petitioners/A-1 and A-2 are

not responsible for the allegations made in the suicide note purported to have been written by the deceased Leela Naga Prasad and ultimately, prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioners/A-1 and A-2 and contended that there is suicide note of the deceased Leela Naga Prasad wherein there is a specific mention that the petitioners/A-1 and A-2 had taken an amount of Rs.20,00,000/- making false promises and they did not repay the same; that after sometime, the petitioners/A-1 and A-2 executed documents showing that they are due an amount of Rs.12,00,000/- to the deceased Leela Naga Prasad and even that amount was also not paid; thereafter, a false criminal case was registered against the deceased Leela Naga Prasad; that having vexed with the acts of the petitioners/A-1 and A-2, the deceased Leela Naga Prasad committed suicide; that there is *prima facie* case against the petitioners/A-1 and A-2 and ultimately, prayed to dismiss this application.

5. The submissions made by the learned Additional Public Prosecutor are finding place in the suicide note purported to have been written by the deceased Leela Naga Prasad. There is also specific mention that for no reason, the deceased Leela Naga Prasad was implicated in a false case for the offences punishable under Sections 506 read with 34 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015; that without there being any fault, the deceased Leela Naga Prasad did not want to face any

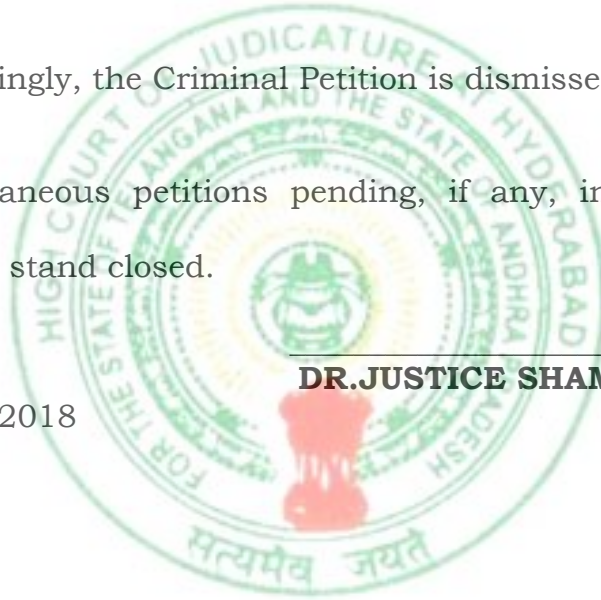
criminal proceedings in his life time, and as he was falsely implicated in a criminal case, he was forced to commit suicide. There are specific and grave allegations against the petitioners/A-1 and A-2. Therefore, it cannot be held that the petitioners/A-1 and A-2 are innocent persons and falsely implicated in this case. The punishment for the alleged offence is also stringent. The matter requires thorough investigation. There is apprehension that release of the petitioners/A-1 and A-2 would hinder the investigation. It is not a fit case to allow the application under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 12.11.2018
AMD



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