

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3744 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/Accused seeking anticipatory bail in the event of his arrest in Crime No.43 of 2019 of Ghanapur (M) Police Station, Wanaparthy District, registered and altered for the offence punishable under Section 306 of IPC.

The case of the prosecution is that, on receipt of medical information from Government General Hospital, Mahabubnagar, on 21.04.2019, the police went there and recorded the statement of the victim woman Smt. Golla Shanthamma with burn injuries, wherein she stated that she is living separately with her husband due to family disputes and eking out her livelihood by doing coolie work at her mother's village, while doing coolie work, she got acquaintance with the petitioner, who is also living alone after the death of his wife, and both of them used to meet regularly, thereafter when she asked the petitioner to marry her, he refused to marry her and stopped talking to her, therefore, having disgusted with her life, she poured kerosene on herself and set fire, that her sisters shifted her in 108 Ambulance and admitted her in Government General Hospital, Mahabubnagar, and after recording the statement of the victim, while undergoing treatment, she succumbed to the burn injuries. Basing on the same, the police registered Crime

No.43 of 2019 and altered for the aforesaid offence under Section 306 IPC against the petitioner/Accused.

Heard learned counsel for the petitioner/Accused and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner contends that the allegations levelled against the petitioner are not maintainable either on facts or in the eye of law. It is also contended that the statement of the victim recorded by the police or the dying declaration recorded by the learned Magistrate does not disclose any offence committed by the petitioner nor it attracts the offence of abetment. The said statements clinchingly prove that the petitioner is no way concerned with the alleged offence and he was falsely implicated in the above crime. It is also contended that the petitioner is the only earning member in the family and the entire family is dependent on him. It is also contended that as the petitioner, being a contractor, refused to give coolie work to the victim, she hatched a plan to falsely implicate him in the above crime. It is also contended that the petitioner is ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if he is released on anticipatory bail in the event of his arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the above petition.

A perusal of the contents of the FIR clearly reveals that on a false pretext of marrying the deceased, the petitioner developed relationship with her and time and again when she requested him to marry her, he refused to marry her stating that he is having grown up children and stopped talking to her, due to which having got disgusted with her life, the deceased committed suicide by pouring kerosene on herself and set fire. Thus, as there are serious allegations levelled against the petitioner, the petitioner is not entitled for grant of anticipatory bail.

Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

15.07.2019.
Msr

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3744 of 2019



15.07.2019
Msr