

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4245 of 2019

ORDER :

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of anticipatory bail in Crime No.122 of 2019 of Nekkonda Police Station, Warangal Commissionerate, registered for the offence punishable under Section 306 of IPC.

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

3. Learned counsel for the petitioner/A.1 would submit that the petitioner has not committed any offence as alleged by the prosecution. There were no disputes between the petitioner and the deceased Jyothi with regard to the land issues. The deceased committed suicide due to her family problems, as it is evident from her dying declaration recorded by the learned Magistrate. Hence, he prayed to grant anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor representing the respondent-State opposed to grant bail to the petitioner.

5. As seen from the contents of the FIR, there are specific allegations levelled against the petitioner/A.1. Whether the dying declaration was recorded when the deceased was in a fit state of mind or not, is a matter of evidence to be proved during trial. In view of the same, this Court is not inclined to grant anticipatory bail to the petitioner/A.1.

6. In the result, the Criminal Petition is dismissed. However, if the petitioner/A.1 surrenders before the Court below concerned within ten(10) days from today and move an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the same may be considered in accordance with law.

29.07.2019
ssp

JUSTICE G. SRI DEVI

