

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4729 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/Accused for grant of anticipatory bail in the event of his arrest in connection with Crime No.61 of 2019 of Basheerabad Police Station, Vikarabad District, registered for the offence punishable under Section 306 I.P.C.

2. Heard learned counsel for the petitioner/Accused, and the learned Additional Public Prosecutor representing the respondent-State. Perused the record.

3. The allegation in the complaint would go to show that the petitioner is having living relationship with the sister of the *de facto* complainant for the past three years and when she demanded the accused to marry her, on 25.05.2019, a quarrel took place between them and the petitioner refused to marry her, on which her sister felt insulted and committed suicide by pouring kerosene and set ablaze herself; that while undergoing treatment, she succumbed to injuries on 26.05.2019.

4. Learned counsel for the petitioner would submit that except the allegations in the complaint, nothing is attributed to connect the petitioner with the present crime; that mere pressure caused by the petitioner, it cannot be constructed as instigation, as such the necessary ingredients to attract the provisions of Section 306 I.P.C. have not been established and thereby, Section 306 I.P.C. has no application; that when the petitioner tried to set off the fire,

his two hands were burned and he was admitted in the hospital and discharged after some time; that if really the petitioner has any intention to abate the deceased to commit suicide, he would not have tried to save her; that there is no iota of evidence to show that he abetted the deceased to commit suicide and hence, he prays to grant bail to the petitioner.

5. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused.

6. As seen from the contents of First Information Report, it is crystal clear that the petitioner was having living relationship with the deceased for the past three years and when she demanded to get marry her, he refused to marry her. In that regard, a quarrel took place between them and deceased felt insulted and committed suicide by pouring kerosene and set ablaze herself and while undergoing treatment, she succumbed to injuries on 26.05.2019.

7. The allegations levelled against the petitioner are grave in nature. Thus, looking into nature of allegations and the involvement of the petitioner in the commission of offence, this Court is not inclined to grant bail to the petitioner. However, if the petitioner/Accused surrenders before the Court concerned within fifteen (15) days from today and moves an application for grant of bail, the same may be decided by the Court concerned in accordance with law.

8. With the above observation, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE G SRI DEVI

AUGUST 14, 2019
YVL



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Date:14.08.2019

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