

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 6661 of 2019

ORDER :

1. The present application is filed by the petitioner/ accused No.1 under Section 438 Cr.P.C. seeking his release in the event of her arrest in connection with Crime No.299 of 2019 of Khanapuram Haveli Police Station, Khammam District, registered for the offences punishable under Section 306 IPC.

2. The case of the prosecution is that the petitioner/ accused No.1 is the wife of the deceased and their marriage took place in the year 2001. Out of wedlock they blessed with two children and they are staying in Vijayawada. While the deceased and the petitioner/ accused No.1 were staying in Vijayawada, petitioner/ accused No.1 used to work in a private school. During that period, she had a relationship with the petitioner/ accused No.1, which led to frequent quarrels between the deceased and the petitioner. Subsequently, the petitioner/ accused No.1 got employment in Khammam and she has been staying with the deceased in Khammam. On the date of incident, the deceased came from Vijayawada and there was a quarrel between them. After some time, the deceased himself poured kerosene on his body and set ablaze.

3. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-State.

4. It has been submitted on behalf of the petitioner/ accused No.1 that the petitioner is falsely roped in this case and the petitioner has not committed any offence and there is no *prima facie* case against the petitioner. The petitioner is the wife of the deceased and after the death of the deceased, the *de facto* complainant created a false story to harass the petitioner alleging that while they were residing in Vijayawada, the petitioner has got illicit intimacy with accused No.2. It is further submitted that the petitioner along with the deceased and children were living in Vijayawada from 2005 to 2018. If really the petitioner is having illicit intimacy with accused No.2, the deceased should not have kept quiet for such a long time. It is also submitted that the deceased addicted to alcohol and even during the period of their stay at Vijayawada the deceased harassed the petitioner for money and the same is being continued even in Khammam also. The petitioner is law abiding citizen and she is apprehending arrest and harassment in the hands of police and if she is arrested, she would lose her job resulting to starvation.

5. As seen from the record, the petitioner, along with the deceased, were staying in Vijayawada from 2005 to 2018. During their stay, the petitioner worked as private teacher in Chaitanya School, there she developed illicit intimacy with accused No.2 of Mangalagiri, for which there were quarrels between the petitioner and the deceased and even soon before the death of the deceased also there was a quarrel between the petitioner and deceased, for which the deceased himself poured kerosene and set ablaze.

Thus, there are specific allegations against the petitioner and due to her illicit relationship with accused No.2 only, the deceased had committed suicide. Thus, looking into the nature of allegations leveled against the petitioner and having regard to the involvement of the petitioner, I am not inclined to release the petitioner on anticipatory bail.

6. Accordingly, the Criminal Petition is dismissed. However, the petitioner is directed to surrender before the concerned Court within 15 days from today and move an application for bail before the appropriate Court and on such application being filed, the same may be considered in accordance with law.

29.10.2019
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JUSTICE G. SRI DEVI

