

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.40 of 2020

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/accused, seeking anticipatory bail in Crime No.301 of 2019 on the file of the S.H.O., Nizamabad IV Town Police Station, Nizamabad, registered for the offences punishable under Sections 498-A and 306 r/w 34 IPC.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. The case of the prosecution is that the daughter of the de facto complainant by name Smt.Devi (hereinafter referred to as 'the deceased') married the petitioner. For the past five years, her mother-in-law and sisters-in-law and brother-in-law and father-in-law looked after well. Thereafter disputes arose with regard to properties between her daughter and son-in-law with the parents, brother and sister of her husband. When she questioned about the same, they harassed her and her husband. Panachhayat was also held before the elders on 03.09.2019 with regard to the said disputes. As the deceased and her husband were insulted by the family members, she could not relish the insults and went to her house and committed suicide by hanging with Chunni in the bathroom. On hearing the

sound, her husband took her to hospital for treatment where she was declared as dead.

4. Learned counsel for the petitioner submits that there is no specific averment that the petitioner has committed the offences and though his name does not appear in the FIR and in spite of he being shown as L.W.5 in the remand report, police is threatening to arrest the petitioner by implicating him as an accused in the aforesaid case. He further submits that the petitioner is the innocent of the offences alleged against him. He further submits that the petitioner is willing to furnish sufficient sureties and he will abide by the conditions imposed by this Court in the event he is released on anticipatory bail and hence, he prays to grant anticipatory bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application by contending that Section 164 Cr.P.C. statement of M.Uma Devi, clearly shows that the petitioner has committed the murder of the deceased and hence, he is not entitled for anticipatory bail.

6. Perused the case diary and also Section 164 Cr.P.C. statements recorded by the police. M.Uma Devi, in the statement recorded by the police under Section 164 Cr.P.C. specifically stated that the petitioner abused the deceased in front of the panchayat people and thereafter,

the deceased offered food to the petitioner, but he has thrown the plate on the deceased. Thereafter, the petitioner sent the witness to the downstairs. The petitioner, mother and sisters of the petitioner were present at the upstairs. The petitioner did not allow this witness to come to the upstairs. After 20 minutes, she gone to the upstairs and found that the petitioner was strangulating the deceased with a chunni. When this witness asked the petitioner as to why he is doing so, he threatened the witness and asked her to go down and take care of her children. She insisted the petitioner to call her grand mother. At that time, the petitioner, parents, sister, brother and sister-in-law of the petitioner were also present at the place of occurrence. However, on the insistence of the witness, the petitioner has given missed call to her grand mother and later, he took the deceased to hospital. On examination, the doctor stated that the deceased has already died 2 hours back. This witness snatched the phone from the petitioner and informed to her grand mother.

7. Thus, looking into the nature of allegations made against the petitioner and also keeping in view the facts and circumstances of the case and involvement of the petitioner in the commission of offence, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. SRI DEVI

DATED: 22.01.2020.

Hsd



