

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

WEDNESDAY, THE TWENTIETH DAY OF MARCH

TWO THOUSAND AND NINETEEN

**:PRESENT:****THE HONOURABLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN**

And

**THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD****IA No. 1 OF 2019****IN****CRLA NO: 1325 OF 2016****Between:**

M.Radha Hari Seshu S/o. Lakshmi Narasimha Murthy.

...Petitioner/Appellant/Accused  
(Appellant in CRLA 1325 OF 2016  
on the file of High Court)

**AND**

The State of Telangana, Rep. by Public Prosecutor, High Court for the State of  
Telangana at Hyderabad.

...Respondent/Complainant  
(Respondents in-do-)

**Counsel for the Petitioner : SRI T PRADYUMNA KUMAR REDDY****Counsel for the Respondent : PUBLIC PROSECUTOR (TG)**

Petition under Section 389(1) of Cr.P.C. praying that the circumstances stated in the memo of grounds filed in CrI.A., the High Court may be pleased to suspend the execution of the sentence passed in SC.No. 306 of 2013 on the file of the III Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar dated 14/12/2016 and release the petitioner on bail, pending disposal of CRLA No.1325 of 2016, on the file of the High Court.

The Court made the following

**ORDER**

**Having withdrawn the first two bail applications, the appellant, Mr. Radha Hari Seshu, has filed this third bail application before this Court.**

**Mr. T. Pradyumna Kumar Reddy, the learned counsel for the appellant, has raised the following contentions before this Court:-**

**Firstly, there is no evidence to show that "soon before the death" the deceased was subjected to any cruelty by the appellant. Therefore, the first ingredient of the offence under Section 304-B of the Indian Penal Code (IPC) is not made out.**

**Secondly, while Mr. V. Ram Mohan Rao (P.W.1) and Ms. V. Saritha Devi (P.W.2) happen to be the parents of the deceased, Ms. P. Prathyusha (P.W.3) happens to be a close friend of the deceased. Therefore, they are interested witnesses. Hence, their testimonies cannot be relied on in order to convict the appellant.**

**Thirdly, the alleged e-mail sent by the deceased prior to her death to Ms. P. Prathyusha (P.W.3) is shrouded in mystery. Therefore, the said evidence could not have been read against the appellant by the learned Trial Court.**

**Fourthly, the appellant happens to be a Software Engineer, who is continuously languishing in jail.**

**Lastly, relying on the case of Hari Om v. State of Haryana {(2014)10 SCC 577}, the learned counsel for the appellant has pleaded that the harshest punishment for the offence under Section 304-B IPC has been imposed upon the appellant i.e. life imprisonment. If sentence were to be reduced by this Court, it would be reduced to either seven or ten years of rigorous imprisonment. Therefore, the benefit of bail should be given to the appellant.**

On the other hand, the learned Public Prosecutor has raised the following counter contentions:-

Firstly, the term "*soon before the death*" is not confined to merely few hours. It is the conduct of the appellant, which needs to be seen during the course of seven years of marriage. Ms. P. Prathyusha (P.W.3), a close friend of the deceased, has given a consistent testimony with regard to the continuous acts of cruelties which were committed on the deceased by the appellant. Even just before her death, the deceased had informed this witness that she has been physically assaulted by the appellant. Thus, according to the learned Public Prosecutor, the offence under Section 304-B IPC is clearly made out.

Secondly, even if Mr. V. Ram Mohan Rao (P.W.1), Ms. V. Saritha Devi (P.W.2) and Ms. P. Prathyusha (P.W.3) are related or close friend of the deceased, their testimonies cannot be ignored *ipso facto* by this Court. Ms. P. Prathyusha (P.W.3), the close friend of the deceased, is an independent witness, who has narrated the miserable life of the deceased in no unclear terms. Therefore, even her testimony is sufficient to establish the case against the appellant.

Thirdly, even if the e-mail is shrouded in mystery, even then the testimony of Mr. V. Ram Mohan Rao (P.W.1), Ms. V. Saritha Devi (P.W.2) and Ms. P. Prathyusha (P.W.3) is sufficient to make out the offence under Section 304-B IPC.

Fourthly, even if the appellant happens to be a Software Engineer, who is serving his sentence, he is serving sentence only because he has been convicted for the offence under Section 304-B IPC.

Lastly, it is too early for the learned counsel for the appellant to plead that there is likelihood of reducing the sentence to seven or ten years. Therefore, his last contention is based on mere hypothesis. According to the learned Public Prosecutor, since the case is the case of atrocity against woman, that too committed by a well-educated and well-placed person, the harshest of the punishment should be imposed upon him as deterrence for others. Therefore, the learned Public Prosecutor has vehemently opposed the grant of bail to the appellant.

Without expressing any opinion on the merit or demerit of the case, this Court is not inclined to grant the benefit of bail to the appellant.

Therefore, the bail application is, hereby, dismissed.

**Sd/- T.NAGESH BABU  
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The III Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar
2. The six Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur
3. The Superintendent, Central Jail, Cherlapally, Ranga Reddy District
4. The Station House Officer, KPHB Police Station, Cyberabad
5. Two CCs to the Public Prosecutor, High Court at Hyderabad(OUT)
6. One CC to SRI. T PRADYUMNA KUMAR REDDY Advocate [OPUC]
7. Two spare copies