

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.10123 OF 2026

DATE : 09.07.2026

Between:

Banoth Suresh and another

...Petitioners

AND

The State of Telangana

...Respondent

ORDER:

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioners are arrayed as the accused Nos.1 and 2 in FIR No.34 of 2026 on the file of Bodu Police Station, Bhadradri Kothagudem District, registered for the offences punishable under Section 108 of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard learned counsel for the petitioner and Mr.Syed Yasar Mahmood, learned Additional Public Prosecutor representing the respondent-State.

4. The case of the prosecution, in brief, is that on 25.06.2026, a report lodged by the son of the deceased alleging that a woman had died due to electrocution after coming into contact with an electrically charged fencing wire erected in the

agricultural land of the deceased/de facto complainant. It is alleged that the petitioners repeatedly blamed the deceased that the death of the said woman had occurred due to the electric fencing installed by the deceased. According to the prosecution, due to the humiliation and mental agony allegedly suffered consequent upon the said incident and the statements made by the petitioners, the father of the deceased committed suicide by hanging himself. Based on the aforesaid allegations, the present crime came to be registered against the petitioners.

5. Learned counsel appearing on behalf of the petitioners submits that petitioner No.1 is the Sarpanch of the village and petitioner No.2 is also a resident of the same village and that they have been falsely implicated in the present case. It is contended that even accepting the allegations in the police report at their face value, the only role attributed to the petitioners is that they informed that the death of the woman had occurred due to electrocution caused by the electric fencing erected by him. Such communication of a factual circumstance, by itself, cannot be construed as an act of instigation, provocation, conspiracy, or intentional aid so as to attract the ingredients of abetment of suicide. Learned counsel further submits that, in order to constitute the alleged offence the prosecution must prima facie establish the essential ingredients of abetment. Mere allegations of harassment, humiliation, without any positive act proximate to the time of suicide and without the requisite mens rea, are insufficient to constitute the offence of abetment of suicide. It is further submitted that there are no specific overt acts attributed to the petitioners indicating that they intentionally created circumstances of such gravity that the deceased was left with no option except to end his life. The petitioners

undertake to cooperate with the investigation and abide by any conditions imposed, accordingly, it is prayed that the petitioners may be granted the relief of anticipatory bail.

6. Per contra, learned Additional Public Prosecutor opposed the application contending that the investigation is still in progress and that serious allegations have been made against the petitioners. It is submitted that the petitioners repeatedly humiliated the deceased by alleging that the woman had lost her life due to electrocution from the fencing installed in his agricultural land and that such continuous harassment caused severe mental distress, ultimately driving the deceased to commit suicide. He further submits that the role of the petitioners requires a detailed investigation and that, if they are granted anticipatory bail, it may hamper the collection of evidence. On the aforesaid grounds, dismissal of the application is sought.

7. I have considered the rival submissions and perused the material available on record.

8. The principal allegation against the petitioners is that they repeatedly blamed and humiliated the deceased that the death of the woman had occurred due to electrocution caused by their electric fencing and that such statements resulted in mental distress to the deceased, who subsequently committed suicide.

9. The law relating to abetment of suicide is well settled. To attract the accusation of abetment to suicide, there must be a direct or indirect act of incitement, instigation, or intentional assistance by the accused leading to the

commission of suicide. The existence of *mens rea* is an indispensable requirement. The alleged conduct of the accused must reveal a clear intention to push the deceased into such a position that he perceived no option other than committing suicide.(see.*M. Mohan v. State*, (2011) 3 SCC 626), Likewise, in *Geo Varghese v. State of Rajasthan*, (2021) 19 SCC 144, it was reiterated that mere allegations of harassment or pressure, without a proximate and positive act of instigation, would not satisfy the requirements of abetment.

10. Applying the aforesaid principles to the facts of the present case, at this stage, the material placed before the Court does not prima facie disclose any specific act of instigation or active participation on the part of the petitioners which directly compelled the deceased to commit suicide. Whether the allegations ultimately constitute any offence is a matter to be investigated; however, for considering the present application for anticipatory bail, the absence of material indicating custodial necessity assumes relevance.

11. In this position, considering the nature of the accusations, the role attributed to the petitioners and in the absence of specific material showing likelihood of absconding or a compelling requirement of custodial interrogation, this Court is of the considered view that the petitioners have made out a case for grant of anticipatory bail.

12. Accordingly, this petition is allowed, subject to following conditions.

(A) The petitioners/Accused Nos.1 and 2 shall surrender before the Station House Officer, Bodu Police Station, Bhadradi Kothagudem District on or

before 24.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioners shall appear before the Investigating officer on every Saturday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

(C) The petitioners shall furnish his complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioners shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

(E) The petitioners shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(F) Any willful breach or violation of any of the aforesaid conditions shall render the petitioners liable to appropriate proceedings before the Court concerned, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable laws.

13. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case.

Miscellaneous applications, if any pending, shall stand closed.

Date: 09.07.2026

N.TUKARAMJI, J

gv

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