

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE NINTH DAY OF DECEMBER
TWO THOUSAND AND SIXTEEN

PRESENT

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16593 OF 2016

Between:

Veeraboina Venkatesham & Anr. ... Petitioner/A-1 & A-5

V/s.

The State of Telangana
Represented by its Public Prosecutor [TG]
High Court of Judicature for the State
of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through the Station House Officer,
Manakondur Police Station,
Karimnagar district.

Counsel for the Petitioner : Dr. H.C. Upadhyay

Counsel for the Respondents : Public Prosecutor [TG]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CRIMINAL PETITION NO. 16593 OF 2016****ORDER :**

This Criminal Petition is filed by the petitioners/A-1 and A-5 under section 437 and 439 of Cr.P.C., seeking to enlarge them on bail in Crime No. 254 of 2016 of Manakondur Police Station, Karimnagar district, registered for the offences punishable under section 306, 506 read with section 149 of IPC.

2. Dr. H.C. Upadhyay, learned counsel for the petitioners submit that the marriage was taken place between the deceased, Mounika and A-3 on 02/3/2015. A-3 lived with the deceased only five months, thereafter, she went to the parents house and made a complaint to the police and the matter was resolved, however, she continued to stay with her parents and never lived with the deceased. The deceased consumed poison

on 25/10/2016 and succumbed down on 27/10/2016. He submits that on the issue of abetment the Hon'ble Supreme Court in **RANDHIR SINGH V/s. STATE OF PUNJAB [2004] 13 SCC-129** in para No.13, while relying upon the case of **STATE OF WEST BENGAL V/s. ORILAL JAISWAL [1994] 1-SCC-73**, whereby observed that courts have to be extremely careful in assessing the facts and circumstances of each case to ascertain as to whether cruelty had been meted out to the victim and that the same had induced the person to end his/her life by committing suicide, with the caveat that if the victim committing suicide appears to be hypersensitive to ordinary petulance, discord and differences in domestic life, quite common to the society to which he or she belonged and such factors were not expected to induce a similarly circumstanced individual to resort to such step, the accused charged with abetment could not be found guilty.

3. On the other hand, learned Additional Public Prosecutor appearing on behalf of the State submits that the deceased had some electric shock marks and burn scars on the body. The marriage had taken place on 02/3/2015 with A-3. She did not like the deceased, therefore, she left the house of the deceased and started staying with her parents. Thereafter, the petitioners along with A-3 and others put pressure on the deceased to pay double of the amount spent in the marriage. Accordingly, they demanded Rs.6,00,000=00 to be paid. The deceased was feeling so nervous, depressed and insulted and thereafter the petitioners made complaint fifteen days before suicide for the offences punishable under section 498-A and 406 of IPC before Bhupalpalli Police Station. The Police Bhupalpalli called both parties and gave counselling. Thereafter, in the presence of panchayath elders at Bhupalpalli the petitioners warned the deceased, if he does not pay an

amount of Rs.6,00,000/- they will kill. Thus, due to unbearable harassment and threat of the petitioners the deceased committed suicide by consuming poison in the bathroom on 25/10/2016 and while undergoing treatment he died on 27/10/2016 at 04:15 hours.

4. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State.

5. The observation made by the Hon'ble Supreme Court in the cases relied upon by the counsel for the petitioners is to be taken care of during the course of trial for convicting or acquitting the culprits. The criminal petition on hand is for grant of bail of the petitioner No.1, who is the father of A-3 i.e., father-in-law of the deceased and petitioner No.2/A-5 is the uncle of A-3.

6. It is also in the complaint that the deceased just prior to committing suicide, the petitioners along with some associates attacked the deceased and his parents and they were putting pressure on the deceased to pay an amount of Rs.6,00,000/-. In addition to above, A-3 made complaint for the offences punishable under section 498-A and 406 of IPC before Bhupalpalli Police Station just fifteen days before committing suicide by the deceased i.e., ten years after the marriage.

7. In these circumstances, it is germane to note that firstly the deceased was rejected socially, as he was having electric shock burn scars on the body. A-3 lived only for five months, thereafter she lived with her parents, however, they continue to put pressure on the deceased and just fifteen days before they attacked and filed a complaint to the Bhupalpalli Police Station. Therefore, these facts and circumstances adequately

encompass all conceivable facets of the culpable conduct of the petitioners which abetted the deceased to commit suicide.

8. At this stage, without making any opinion on the role of the petitioners whether they are guilty of the offence or not, keeping in view the nature and gravity of the serious allegations against the petitioners, I am not inclined to admit them on bail.

9. The Criminal Petition is accordingly dismissed.

10. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand disposed of.



JUSTICE SURESH KUMAR KAIT.

09/12/2016

I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16593 OF 2016

[DISMISSED]



Date: 09/12/2016
Circulation No. 206
Court Master: I s L