

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.12343 of 2016

ORDER :

The petitioners, who are A1 and A2 in Crime No.185 of 2016 of Moinabad Police Station, Ranga Reddy District, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above crime registered for the offences punishable under Sections 498-A and 306 of IPC.

The averments in the First Information Report would show that the marriage of the deceased with her husband was performed on 28.10.2012 and out of the wedlock they were blessed with two children. The averments in the report would show that the deceased was subjected to harassment by the petitioners both physically and mentally. Unable to bear the harassment, she is alleged to have committed suicide on 10.06.2016 by pouring kerosene and setting herself ablaze. Immediately she was shifted to Century Hospital, wherein she succumbed to burn injuries on 03.07.2016.

Learned counsel for the petitioners submits that even accepting the allegations in the report to be true, no offence under Section 306 of IPC is made out against the petitioners. He relied upon the judgment of this Court ***T.Brahmanandam Vs. State of A.P.***,^[1] to show that ingredients constituting offence under Section 306 of IPC are not made out in the absence of any instigation or abetment by the accused. He further submits that in the absence of any specific overt act being directed against the petitioners, they are entitled for relief.

Learned public prosecutor opposed the application contending that the statement of the deceased to her husband clearly establish

that just prior to the commission of suicide, the deceased telephoned to him and intimated the acts of harassment made by the petitioners, which lead to commission of suicide.

Insofar as judgment of this Court, relied upon by the learned counsel for the petitioners is concerned, it is to be noted that it was a case where the Assistant Secretary of Gram panchayat committed suicide and a letter was kept in the pocket of the deceased which contained an allegation that the petitioner therein had been harassing the deceased by getting petitions filed against him. As such, he lost his mental peace and in furtherance of that, he committed suicide. Under those circumstances, the Court found that ingredients constituting offence under Section 306 of IPC are not made out against the petitioner therein. But the case on hand is different. It is a case where the deceased who is the daughter-in-law of first petitioner and sister-in-law of second petitioner committed suicide within seven years of the marriage. Hence, presumption under Section 113-A of Evidence Act can be invoked. Coming to the nature of allegations made, it is to be noted that the first information report specifically refers to harassment made by these two petitioners, though it does not give any dates as to when the deceased was subjected to harassment. It clearly states that these two petitioners were harassing the deceased. The report also speaks that unable to bear the harassment, she committed suicide. Apart from that, the statement of the husband of the deceased recorded under Section 161 of Cr.P.C. also places an important role in the case, wherein, he categorically stated that just prior to commission of the suicide, the deceased telephoned to him and informed about harassment made by these two petitioners, who are none other than mother and sister of the husband. Under these circumstances, though the petitioners are women, I am not inclined to

grant anticipatory bail to them.

However, the petitioners shall surrender before the concerned Court and move an application for grant of bail after giving prior notice to the Public Prosecutor, in which event the same shall be considered on the same day, in accordance with law.

Accordingly, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

24.08.2016

vhb

[\[1\]](#) 2009 (1) ALT (CrI.) 141 (A.P.)