

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3871 OF 2017

ORDER:

The present Criminal Petition is filed under Section 438 of the Criminal Procedure Code, 1973 (for short, 'the Code') requesting to grant anticipatory bail in Crime No.23 of 2017 of Kurnool III-Town P.S., Kurnool District.

2. The petitioner, who is the sole accused, alleged to have committed the offence punishable under Sections 306 of I.P.C.

3. Heard Sri Challa Ajay Kumar, the learned counsel for the petitioner, and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. The learned counsel, while pleading innocence and false implication of the petitioner, would submit that the *de facto* complainant's wife having taken loan of Rs.15,000/- and unable to repay the same committed suicide when the petitioner demanded for return of the same and in such an event, certainly, it cannot be viewed that there has been instigation to commit suicide by the deceased on the part of the petitioner. He would submit that in fact, Motorcycle of Honda make was standing in the name of the deceased and since the financial assistance was obtained from Hinduja Leyland Finance, the petitioner came to know that they seized the motorcycle bearing No.AP 21 BK 5042 on 23.01.2017, on which, on the very same day she committed suicide. So, it cannot be said that cause for

commission of suicide is only on account of the demand made by the petitioner to discharge the loan amount and, therefore, to grant anticipatory bail.

5. The learned Assistant Public Prosecutor resists the request contending that the allegations would clearly indicate that there was immediate cause prior to commission of suicide by the deceased and, therefore, sought to dismiss the petition.

6. At the outset, it has to be observed that the allegations would *prima facie* making out a case for the offence punishable under Section 306 of IPC for the reason that the deceased and her husband being tenants of the petitioner for about two years, vacated the premises six months prior to the date of incident herein and in fact during their stay as tenants they borrowed a sum of Rs.15,000/- and regularly paying interest thereon every month, but since three months period was getting expired, the petitioner demanded them to repay it or to renew it, on which a sum of Rs.5,000/- more was also taken as hand loan and thereafter, it is alleged that the petitioner always used to abuse her demanding them to discharge the loan or else to die and the said fact was informed to the *de facto* complainant, who is the husband of the deceased, by the deceased, and on 23.1.2017 when he returned home from Adoni where he was performing his duty at about 8.30 p.m. S. Ram Reddy, who is related as brother, together were proceeding, their uncle, G. Sekhar Reddy telephoned his brother, Ram Reddy informing that the deceased committed suicide by hanging,

and his uncle by name, G. Sekhar Reddy and M. Bhanu Prakash Reddy, were informed that at about 5.00 p.m. evening the petitioner came to their house and abused the deceased having stood in front of their house till 8.00 p.m. in the presence of local inmates uttering that they did not discharge the loan despite demanding them since long and asked them to die instead and threatened that she would stay at their house and will not leave unless amount is repaid and Sekhar Reddy and Bhanu Prakash Reddy sent her away, and when they entered inside they found that the deceased committed suicide by hanging to the fan with saree in the bed room, and the neighbours came and brought her body down and laid on the floor.

7. When these allegations are kept in view, certainly, parameters for grant of anticipatory bail are conspicuously absent.

8. It is no doubt true that the vehicle was seized, as could be seen from the documents and the submissions made by the learned counsel, but it is difficult to view that on account of seizure of the vehicle by the finance company the deceased committed suicide without there being any material in that direction.

9. Hence, the Criminal Petition deserves to be dismissed and, accordingly, dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 10.07.2017
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