

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.8474 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-A1 to A3 for the offences alleged under Sections 306 and 506 r/w 34 IPC.

2. Heard learned counsel for the petitioners, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A1 to A3 would submit that the petitioners were falsely implicated in this case. The allegation against the petitioners is that they have abetted the commission of suicide by Nakka Raju (hereinafter referred to as 'the deceased'), who is the husband of the de facto complainant. The averments mentioned in the report do not constitute an offence under Section 306 IPC. He relied on a decision reported in **GURUCHARAN SINGH V STATE OF PUNJAB**¹.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioners and contended that there is abetment to commit suicide by the deceased and it is not a fit case to grant bail to the petitioners under Section 438 Cr.P.C.

5. A report, dated 14.08.2017 lodged by the wife of the deceased, by name Nakka Radhika, reveals that on 19.06.2017, the deceased, his parents went to the house of in-laws of Yeddu Manjula, where a panchayat was conducted. When the discussion was going in the panchayat, the petitioners damaged the auto of the

¹ (2017) 1 SCC 433

deceased. They had broken the glasses of the auto. The elders directed the petitioners to pay the damages, but the petitioners did not pay the damages to the deceased. Thereafter, the petitioners threatened the deceased to do away with his life and also threatened him to commit suicide, otherwise they will eliminate him. There is also mention in the report that 10 days prior to the death of the deceased during night hours, the petitioners went to the house of the deceased, awakened the de facto complainant and threatened her stating that they would kill her husband. At that time, the deceased was not in the house. The petitioners informed her that they commit murder of her husband, or else, he should commit suicide. It is also on record that on 12.08.2017, between 4.30 P.M. and 6.30 P.M., the petitioners made a telephonic call to the father of the deceased and gave similar threats. Consequently, on 13.08.2017 at 2.15 P.M., the deceased committed suicide in his house by hanging with the help of saree. The allegations are grave and there are specific overt-acts against the petitioners-A1 to A3. Investigation is also in progress. Whether the allegations constitute the offence under Section 306 IPC can only be determined after trial. The decision relied on by the learned counsel for the petitioners has no application to the case on hand. Under these circumstances, it is not a fit case to grant bail to the petitioners under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 07-11-2017

Hsd