

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3153 OF 2017

ORDER:

This criminal petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioners/A.2 and A.3 to enlarge them on bail in Crime No.17 of 2017 of Nennel Police Station, Adilabad District, registered for the offence punishable under Sections 306 of the Indian Penal Code, 1860 (for short 'I.P.C.'). They are in judicial custody since 13.03.2017.

The case of the prosecution, in brief, is that on 16.02.2017 at 11.30 hours Made Rajanna lodged the complaint with the Station House Officer, Nennel Police Station, alleging that his father Made Chinnaiah felt insult on account of illegal act of the petitioners, who beat him with cheppals and kicked with legs indiscriminately, committed suicide by consuming insecticide. Thus the petitioners along with A.1 by their illegal acts drove the father of the *de facto* complainant to commit suicide.

The main contention of the counsel for the petitioner is that the petitioners did not instigate father of the *de facto* complainant to commit suicide and the alleged beating would not amount to intentional aiding him to commit suicide and that there were earlier disputes with regard to outraging the modesty of A.1's wife and thereby implicated the petitioners in the above crime. The possibility of implicating the petitioners cannot be ruled out and prayed to enlarge the petitioners on bail.

The Public Prosecutor for the State of Telangana has contended that the investigation is in the mid way and only nine witnesses were

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examined, some more witnesses are to be examined to complete the investigation and expressed that there is possibility of interference with the investigation, if the petitioners are enlarged on bail.

As seen from the material on record, the petitioners along with A.1 beat the father of *de facto* complainant indiscriminately, abused him in filthy language and beat him with cheppals, thus by their illegal act, drove father of the *de facto* complainant to commit suicide, this act would fall within the definition of 'abatement of a thing' under Section 107(3) of I.P.C. Hence, I find no, *prima facie*, material to conclude that the petitioners did commit no offence and that too investigation is not yet completed. In such case, the petitioners do not deserve any bail at this stage and mere incarceration in jail for a long time i.e. from 13.03.2017 by itself is not a ground to enlarge the petitioners on bail. Consequently the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

25.04.2017
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