

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.4817 of 2018

ORDER:

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C to enlarge the petitioner/Accused, who is in judicial custody since 27.03.2018, on bail in Crime No. 28 of 2018 of Ananthagiri Police Station, Suryapet District, registered for the offence punishable under Section 306 IPC.

A report was lodged by the *de facto* complainant on 21.03.2018 at 09.00 hours alleging that his elder son Gurram Rajashekar was working as part time junior lecturer in Gate College at Chilukur Village and Mandal and he was staying with his son-in-law by name Panthangi Ravi Kumar at Kodada. On 20.03.2018 about 10.30 hours he along with Untla Shiva Nageswara Rao, who is worker of his son-in-law café started to Kapugallu Village and when they reached Badisha Narasimha S/o Yalamanda, house at Kapugallu Village, Badisha Narasimha Rao was outside the house and he asked Rajashekar "why you teased and followed my daughter" and indiscriminately beat him giving blows on the head, though Rajashekar touched the feet of the petitioner requesting not to beat. Narasimha Rao kicked Rajashekar with leg. Thus, the petitioner caused injuries over the body. After Rajashekar dropped LW.7-Shivnageswara Rao at his brother-in-laws's cafe, he left from there without informing. The same was informed by Shivanageswara Rao making phone call to the complainant. Later he and his relatives searched for Rajashekar in surrounding areas. Later his younger son-in-law Bomma Venkanna started to Khamma Road in search of Rajashekar, found sandals near Bojjagudem

Thanda Bus Station and the same was informed to him. At 08.00 hours Goli Sreenu and Rudraboina removed the dead body from the well. Thus, the petitioner allegedly committed the offence punishable under Section 306 IPC.

The present petition is filed to enlarge the petitioner on bail that the specific overt acts attributed to the petitioner would not constitute the offence punishable under Section 306 IPC and major part of investigation is completed and prayed to enlarge the petitioner on bail as the petitioner languishing in jail since 27.03.2018.

Learned Additional Public Prosecutor opposed the petition on the ground that LW7-Shiva Nageshwara Rao, who is eye witness to the incident, took the deceased Rajashekar to the Kapugallu Village. The death of Rajashekar is not in dispute and it is suicidal death. Thus, there is material on record to show *prima facie* that the petitioner is responsible for the same by his direct act or omission and prayed to dismiss the petition.

As per contents of the complaint, the petitioner caused injuries to the deceased as the deceased was following his daughter and teasing her and warned him that he will insult at the café of his brother-in-law and due to such act the deceased disgusted and committed suicide. The first and foremost contention raised by the petitioner is that causing injuries on the body of the deceased and threat to insult him in the café of his brother-in-law would not constitute the offence punishable under Section 306 IPC.

Section 306 IPC deals with the punishment for abetment of suicide. The word abetment is defined under Section 107 IPC. According to it, a person abets the doing of a thing, who first

instigates any person to do that thing; or secondly engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or thirdly intentionally aids, by any act or illegal omission, the doing of that thing can be said to be abated. The death of the deceased was unnatural i.e. suicidal death and cause of death was beating the deceased and threat to insult him at café of his brother-in-law. Therefore, this act of the petitioner drove the deceased to commit suicide having no other alternative and thus, there is *prima facie* material to conclude that the petitioner abetted the deceased to commit suicide, the investigation is also not yet completed. Therefore, I find no ground to enlarge the petitioner on bail.

In the result, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

30.04.2018
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