

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.4932 of 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by accused No.2, apprehending her arrest, in Crime No.174 of 2018 on the file of Rajendranagar Police Station, Cyberabad, registered for the offences punishable under Sections 498-A and 306 of Indian Penal Code (for short "I.P.C.") to direct the Station House Officer, Rajendranagar Police Station to release her on bail in the event of her arrest in connection with the above crime.

The marriage of accused No.1 was performed with the Solome in the month of August, 2014 and at the time of marriage, they presented household articles, gold ornaments and 100 sq.yards plot in Sarangal village of Moinabad Mandal as dowry. During wedlock, they were blessed with two children Timoty, aged 3 years and Keerthana, aged 8 months. After one year, daughter of the defacto complainant reported about quarrels between her mother-in-law, petitioner herein and herself regarding her being an adopted girl, her mother-in-law used to call her orphan girl. There was physical violence caused by the petitioner. Therefore, on account of such acts, Solome (deceased) committed suicide.

The main contention of the petitioner is that the petitioner is woman of aged 55 years and she is taking care of the two children of the deceased and arrest of this petitioner is not necessary as major part of the investigation is completed.

The learned Public Prosecutor for the State of Telangana contended that the investigation is still going on and specific overacts have been attributed to the petitioner to attract the offence punishable under Section 306 of I.P.C.

As seen from the material on record, the petitioner physically assaulted the deceased and drove her to commit suicide. Three weeks prior to the death of the deceased, the deceased came to the house of the defacto complainant and informed that her husband demanded for handing over of documents pertaining to the land as the land was given to her children. There was verbal altercation between the petitioner and deceased and on 31.01.2018 at 03.00 p.m. telephone call was received informing that she hanged to death, but the police registered the crime only for the offence punishable under Sections 498-A and 306 of I.P.C. It appears from the record that the cause of death was due to act or omission of this petitioner, who is the mother-in-law while calling the deceased as orphan, as she is the adopted daughter of defacto complainant. Specific overt acts attributed to her are sufficient to constitute abetment under Section 107 of I.P.C. When the death is unnatural (hanging) and the same was due to abetment, it would constitute offence under Section 306 of I.P.C. When there is a direct or active act, which lead the deceased to commit suicide as there was no other alternative, it is difficult to hold at this stage that the petitioner did commit no offence punishable under Sections 498-A and 306 of I.P.C. Hence, I find no ground to grant pre-arrest bail by exercising power under Section 438 of Cr.P.C.

In the result, the petition is dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

02.05.2018
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