

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

MONDAY, THE TWENTY SECOND DAY OF OCTOBER, TWO THOUSAND AND
EIGHTEEN

PRESENT:
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP.No. 10834 of 2018

Between:-

- 1.Masood Khan, S/o. Gulam Ghouse Khan.
- 2.Mateen Khan, s/o. Gulam Ghouse Khan
- 3.Mujahid Khan, S/o. Gulam Ghouse Khan
- 4.Ayub Khan, S/o. Alam Khan.

..... Petitioners/Accused Nos. 1 to 4.

AND

The State of Telangana, Represented by Public Prosecutor,
High Court of Judicature at Hyderabad,

.....Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioners on bail in the event of their arrest in Crime No. 77 of 2018 on he file fo Police Station, Bhainsa Town, Adilabad District.

These petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri M.A.K. Mukheed, Advocate for the Petitioners and of Additional Public Prosecutor(TS) on behalf of Respondent-State, the Court made the following

ORDER :-

"This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners-A.1 to A.4 in Crime No.77 of 2018 of Bhainsa Town Police Station, Adilabad District. The offence alleged against the petitioner is punishable under Section 306 I.P.C.

2. Heard the learned counsel for the petitioners-A.1 to A.4 and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record..

3. Learned counsel for the petitioners-A.1 to A.4 would contend that the report was lodged by the daughter of the deceased by name Minhaj Khanam, wherein she did not state anything against the petitioners-A.1 to A.4; basing on the said report, F.I.R. was registered under Section 174 Cr.P.C.; thereafter, the police altered the crime to Section 306 I.P.C. alleging that the petitioners-A.1 to A.4 abetted the deceased to commit suicide; the allegations made against the petitioners-A.1 to A.4 do not constitute an offence punishable under Section 306 I.P.C.; the petitioners-A.1 to A.4 are innocent persons; and ultimately, prayed to allow the bail application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A.1 to A.4 under Section 438 Cr.P.C.

Contd.2...

5. In the first information report lodged with the police by the daughter of the deceased, there is no mention that the petitioners-A.1 to A.4 are responsible for the death of the deceased. The suicide note purported to have been written by the deceased disclosed that the petitioners-A.1 to A.4 are responsible for the death of the deceased. As per the record, the deceased sold his property for Rs.80 lakhs and he received Rs.40 lakhs as advance and gave the said amount to his children and his children took some property at Hadgaom village of Maharashtra State. The allegation is that the petitioners-A.1 to A.4 pressurized the deceased to give some amount to them. So, the deceased had committed suicide. There is no specific mention in the suicide note as to the manner of pressurizing the deceased to commit suicide. Simply it is alleged that the petitioners-A.1 to A.4 have demanded the deceased to part with some sale consideration that made him to commit suicide. Whether the allegations made against the petitioners-A.1 to A.4 in the suicide note and other material collected by the police amount to abetting commission of suicide by the deceased or not, have to be dealt with after completion of investigation and after due trial. In view of the nature of the allegations and as the names of the petitioners-A.1 to A.4 are not found in the first information report, they can be granted bail under Section 438 Cr.P.C. on some conditions.

6. Under these circumstances, the petitioners-A.1 to A.4 are directed to surrender before the Station House Officer, Bhainsa Town Police Station, Adilabad District, within a period of 15 days from today. On such surrender, the Station House Officer, Bhainsa Town Police Station, Adilabad District shall release the petitioners-A.1 to A.4 on bail on each petitioners (A.1 to A.4) executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the said S.H.O. On release, the petitioners-A.1 to A.4 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. and cooperate with the investigating officer. The petitioners-A.1 to A.4 shall also attend before the Station House Officer, Bhainsa Town Police Station, on every Sunday between 10-00 a.m. and 11-00 a.m. till filing of the charge sheet.

7. Accordingly, this Criminal Petition is allowed."

//TRUE COPY//

Sd/- CH.VENKATESHWAR
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

1. The Principal District and Sessions Judge, Adilabad.
2. The Judicial First Class Magistrate at Bhainsa, Adilabad District.
3. The Station House Officer, Bhainsa Police Station, Adilabad District.
4. Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT).
5. One CC to Sri M.A.K. Mukheer, Advocate(OPUC)
6. One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.22-10-2018.

ANTICIPATORY
BAIL ORDER

CRLP .No. 10834 of 2018

RELEASE THE PETITIONER/ACCUSED
ON BAIL IN THE EVENT OF
HER ARREST

