

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2036 of 2019

ORDER :

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioners/A.1 and A.2 for grant of anticipatory bail in the event of their arrest in Crime No.9 of 2019 of Kowtala Police Station, Komarambheem Asifabad District, registered allegedly for the offence punishable under Section 306 IPC.

The case of the prosecution is that, on 17.02.2019 at about 19.00 hours, the defacto complainant, who is the wife of the deceased, came to the Police Station and lodged a written complaint stating that 10 years ago, her marriage was performed with one Vuthuri Prasad, who is working as a Sales Manager in Nova Agri-Tech Private Limited Company, that for the last few days, her husband has been suffering from mental ill-health and due to that they shifted their residence to Kowtala at her parent's house, that on 16.02.2010 at 13.00 hours, he quarrelled with her on a petty issue and left the house, that previously on many occasions, when he quarrelled with her, he used to leave the house and return home at night, that this time he had not returned to home and that though she phoned to his aunt's house and searched in his relatives houses, his whereabouts are not known, she, therefore, requested to take necessary action to trace out her husband, that basing on the said complaint,

Crime No.9 of 2019 was registered as 'Man Missing', that while so, the dead body of the husband of 1st petitioner/A.1 was found near Pedda Banda Village in the agricultural lands, that on coming to know about the same, the petitioners and other family members rushed there and after conducting Postmortem examination, the doctors opined that the deceased committed suicide by consuming pesticide. Thereafter the police of Kowtala Police Station started frequently visiting the house of the petitioners stating that the father of the deceased lodged a complaint dt.06.03.2019 alleging that his son committed suicide because of harassment of the petitioners and that, therefore, the petitioners are responsible for the death of their son and that the police want to arrest the petitioners by altering the Section of Law to that of Section 306 of IPC. Another complaint has been filed by the father of the deceased stating that on 15.02.2019, the father-in-law of the deceased invited him for Gruha Pravesham ceremony and he himself along with his wife attended the said function. On the same day, his deceased son and his daughter-in-law (petitioner No.1) shown the house which was taken by them for rent and thereafter he came back to his house. On 16.02.2019 at 12.00 noon, when his wife made a phone call to his deceased son, his son crying over phone and informed her that he was being scolded by his wife and mother-in-law. Immediately he made a phone call to his son, his son informed that his wife and mother-in-law scolded him not to show his face to them

and not to live in Kautala and they have spit on his face. At about 3.00 p.m., his son told him that he will come to the house and thereafter he made phone calls to his son for every half an hour, though the phone was ringing but there was no response from his son. Thereafter, the phone of his son was switched off at about 6.00 p.m. In the night at about 8.00 p.m., his daughter-in-law (petitioner No.1) made a phone call to him and he asked her as to why she and her mother scolded his son and also informed that if anything happen to his son both the petitioners will be held responsible. On the very same day he went to Kautala Police Station and made a complaint. In the evening his brother and friends of his son have started searching for his son and they have informed him that they have seen the dead body of his son lying on the ground in the open place near the hills. Thus, a report has been made to the police complaining that both the petitioners are responsible for the death of his son. Hence, the present petition.

Heard learned counsel for the petitioners/A.1 and A.2 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioners/A.1 and A.2 contends that absolutely the petitioners are not responsible for the death of the deceased and that the petitioners never harassed the deceased, that there was a petty quarrel between petitioner No.1 and the deceased and that does not

mean that they abetted the deceased to commit suicide. It is contended that the mental health condition of the deceased was not proper and for simple and silly reasons, he used to threaten that he will commit suicide and used to leave the house and come back in the night, that the petitioners were falsely implicated in the above crime by the father of the deceased and that they are not responsible for the death of the deceased. It is also contended that the petitioners are ready to abide by any conditions imposed by this Court, including assisting the investigating agency for their release on anticipatory bail in the event of their arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the above petition.

As seen from the complaint lodged by the father of the deceased, there are specific allegations levelled against the petitioners, by which the deceased felt insulted and committed suicide.

Thus, in view of the allegations levelled against the petitioners/A.1 and A.2 and taking into consideration the gravity of offence and the complicity of the petitioners in the above crime, I am not inclined to grant anticipatory bail to the petitioners/A.1 and A.2. However, if the petitioners/A.1 and A.2 surrender before the Court below concerned and move an application for regular bail, after giving prior notice to the

Public Prosecutor concerned, the same may be considered in accordance with law.

Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

25.06.2019.
Msr



HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2036 of 2019



25.06.2016
Msr