

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY**

**:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI**

CRIMINAL PETITION NO: 1276 OF 2020

Between:

K. Shiva Kumar, S/o Pochaiah,

Petitioner/Accused-2

AND

**The State of Telangana, Represented by its Public Prosecutor, High Court for the State of
Telangana at Hyderabad, through L.B. Nagar Police Station**

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to enlarge the Petitioner on Anticipatory Bail in connection with the Crime No.198/2020 of L.B. Nagar P.S., Rachakonda, Ranga Reddy District in the event of his arrest;

Counsel for the Petitioner : SRI CH.RAVINDER

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR

The Court made the following;

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1276 of 2020

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2 seeking to grant anticipatory bail in the event of his arrest in Crime No.198 of 2020 on the file of L.B.Nagar Law & Order Police Station, Rachakonda District, registered for the offence punishable under Section 306 IPC.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The brief facts of the case as per the complaint are that the de facto complainant married the deceased and was blessed with two sons before the deceased established Vaishnavi Hospital; that the building owner-accused No.1 harassed the deceased mentally to vacate the hospital and filed a case by using his henchmen accused No.2, 5, 6 and 7, due to which the deceased has been facing problem; and that on 04.02.2020, the deceased was found to have committed suicide by hanging to the ceiling fan with nylon thread and the same was informed to the de facto complainant; and that in the dairy found on the bed, the deceased has written that accused Nos.1 to 7 were responsible for his death. It is the further case that accused No.1 gave slab building to the husband of the de facto complainant, the deceased, and promised him that he will complete the building for which he had taken an amount of Rs.10 lakhs and completed the building using the said amount;

that accused No.7 went to Goa and lost his money and at that time the deceased gave money to him and saved him but accused No.7 harassed the deceased economically and mentally and it is written in the diary of the deceased as "NA USURU NEEKU THAGULU THUNDI". Hence, the complaint.

4. Learned counsel for the petitioner submitted that the petitioner is arrayed as accused No.2; that he got constructed the building of accused No.1 about 5 years back and handed over the possession to him; that thereafter, the petitioner never had any contact with the deceased; that he never involved in the dispute between the landlord and the deceased; that in fact, he has no contact with the deceased since long time and therefore, the question of his pressurizing the deceased in any manner does not arise; that the entire allegations of harassment are made only against other accused and that not even a single incidence is alleged against the petitioner; and that the petitioner is no way concerned with the alleged offence and he is falsely implicated in this case. Learned counsel further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court in the event of his enlargement on anticipatory bail.

5. Learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner.

6. As seen from the contents of the F.I.R. and suicide note of the deceased the only allegation against the petitioner is that he along with the other six persons was responsible for the

death of the deceased and apart from this, there are no allegations whatsoever levelled against the petitioner as to why and in what way he has mentally or in any manner harassed the deceased.

7. Thus, looking into the nature of allegations levelled against the petitioner and the facts and circumstances of the case, without delving into the merits of the case, I am inclined to grant anticipatory bail to the petitioner.

8. The Criminal Petition is accordingly allowed subject to the following conditions:

(1) that the petitioner is directed to surrender before the Station House Officer, L.B.Nagar Law & Order Police Station, Rachakonda District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail on his executing a personal bond to the tune of Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for the like amount each to his satisfaction.

(2) the petitioner shall appear before the Investigating Officer on every Saturday between 10 am and 2 pm till completion of the investigation and filing of the final report.

(3) the petitioner shall abide by the conditions stipulated in Section 438(2) Cr.P.C and co-

operate with the Investigating Officer in investigating the case.

9. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Sd/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Metropolitan Magistrate, L.B. Nagar, Cyberabad.
2. The IV Addl. Metropolitan Sessions Judge, Ranga Reddy District, L.B. Nagar.
3. The Station House Officer, L.B. Nagar Law and Order Police-Station, Rachakonda District.
4. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
5. one CC to Sri Ch. Ravinder, Advocate (OPUC)
6. One Spare Copy

HIGH COURT

GSD,J

DATE: 03-03-2020

ORDER

CRL.P. NO. 1276 OF 2020

PETITION ALLOWED

