

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER TWO THOUSAND AND
TWENTY ONE

:PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITION NO: 8136 OF 2021

Between:

Rangaru Shiva Shankar Reddy, S/o. P. Ramachandra Reddy

...Petitioner/A2

AND

State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad, for
the State of Telangana.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to grant Anticipatory Bail to the petitioner/A2 in the event of arrest in Cr.No.962 of 2021 on the file of the Police Station, Kukatpally, Hyderabad.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of M/s NARASIMHULU, K.B Advocate for the Petitioner and of Assistant PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 8136 OF 2021

ORDER:-

This Criminal Petition is filed under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioner/A2 in the event of his arrest in connection with Crime No. 962 of 2021 of Kukatpally Police Station, Hyderabad, registered for the offences punishable under Sections 306 IPC.

2. The case of prosecution is that de-facto complainant, who is the wife of the deceased, lodged complaint on 26.08.2021 stating that her husband was working as Deputy General Manager in Apollo Hospital Jubilee Hills, Hyderabad, and A1, who is brother of deceased, along with the petitioner/A2(Siva), who is the friend of the deceased, insisted the deceased for money as the deceased stood as surety for the personal loan of the petitioner and when the petitioner failed to pay the loan amount, the lender also insisted the deceased to pay. On the night of 26.08.2021 at 3.00 a.m. she found her husband talking over phone and when questioned, he informed her that the A1 informed the address of the deceased to the petitioner/A2 and that he would settle the issue. On the next day, when she called at 2.00 p.m., there was no response and at about 6.30 p.m., when she returned home from duty, she found her husband hanging dead to the ceiling fan. On search in the room, she found a diary, mentioning the names of the petitioner/A2 and A1, as responsible for his suicide. Basing on the said report, the present crime is registered.

3. Heard Sri K.B.Narasimhulu, learned Counsel appearing on behalf of the petitioner/A2 and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submits that there are financial transactions between the parties and as the petitioner demanded money, deceased has committed suicide. Even if all the allegations are taken on its face value, they do not attract the offence under Section 306 of IPC. He further submits that as per the law laid down by the Hon'ble Apex Court in **Ramesh Kumar v. State of Chhattisgarh**¹ since there are financial transactions between the parties, it does not amount to instigation and the offence under Section 306 IPC is not attracted.

5. On the other hand, learned Assistant Public Prosecutor submits that the deceased has left a death note, categorically mentioning that A1 and A2 are responsible for his committing suicide and investigation is in progress, and therefore prayed to dismiss this petition.

6. Taking into consideration the allegation levelled in the complaint that the petitioner insisted the deceased to pay the amount, *prima facie* this Court feels that the facts of the case do not attract the ingredients of Section 306 of IPC, as such, this Court is inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed. The petitioner/ A-2 shall be enlarged on bail in the event of his arrest in connection with Crime No. 962 of 2021 of Kukatpally Police

¹ 2001(9) SCC 618

Station, Hyderabad, on execution of self bond for Rs.20,000/- (Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the Station House Officer, Kukatpally Police Station, Hyderabad.

8. Consequently, miscellaneous applications, if any, pending, shall stand closed.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

AAH
SECTION OFFICER

To,

1. The Principal Junior Civil Judge Cum VIII Additional Metropolitan Magistrate Cyberabad at Kukatpally.
2. The XV Additional Metropolitan Sessions Judge, Ranga Reddy District at Kukatpally.
3. The Station House Officer, Police Station, Kukatpally, Hyderabad.
4. One CC to M/s NARASIMHULU, K.B, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
6. One spare copy
ZEE

HIGH COURT

LKJ

DATED:18/11/2021

ORDER

CRLP.No.8136 of 2021

BAIL

