

**HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION No. 9280 OF 2021**

**ORDER:**

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.2 seeking pre-arrest bail in connection with Crime No. 74 of 2021 of Chennaraopet Police Station registered for the offence punishable under Section 306 read with Section 34 IPC.

2. The case of prosecution is that on 24.04.2021, at about 11.00 hours, complainant Misa Renuka lodged a report stating that petitioner along with other accused and her husband Sri Misa Ashok (deceased) were doing joint business and for the said purpose, deceased and accused borrowed money. Due to disputes in regard to business, petitioner and other accused subjected deceased to harassment and pressurized him to pay the loans and threatened him with dire consequences. It is alleged that unable to bear the harassment, deceased consumed poison and subsequently, succumbed to the same.

3. Learned counsel for petitioner Sri A. Prabhakar Rao submits that earlier, petitioner moved Criminal Petition No. 5772 of 2021 seeking pre-arrest bail and the same was disposed of by order dated 16.08.2021 directing him to surrender before the Court and move an Appropriate Application seeking bail and also directed the police not to take any coercive steps against him, for a period of two weeks from the date of the said order. Learned counsel submits that recently, in the first week of September, 2021, petitioner was diagnosed with 'Carcinoma' and presently, he

is undergoing treatment. He submits that even if the allegations in the report are taken on its face value, they do not constitute an offence under Section 306 IPC., as there is no abetment/instigation by petitioner on deceased to commit suicide.

4. On the other hand, learned Assistant Public Prosecutor submits that in the earlier bail Application, this Court directed petitioner to surrender before the Court, however, without complying with the said order and having obtained protection for a period of two weeks, he again moved this Application. According to him, allegations against petitioner are grave in nature, hence, he is not entitled for grant of pre-arrest bail.

5. Taking into consideration the health condition of petitioner as he is suffering from Carcinoma and is undergoing Chemo therapy, this Court deems it appropriate to grant pre-arrest bail to him.

6. Accordingly, the Criminal Petition is allowed and petitioner – Accused No.2 shall be released on bail in the event of his arrest in connection with Crime No. 74 of 2021 of Chennaraopet Police Station on his executing a personal 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, Chennaraopet Police Station.

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**LALITHA KANNEGANTI, J**

16<sup>th</sup> December 2021

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