

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 49 OF 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No. 2 seeking bail in the event of her arrest in connection with Crime No. 155 of 2021 on the file of Pothkapalli Police Station, registered for the offence punishable under Section 306 read with Section 34 IPC.

2. The case of prosecution is that accused and Smt. Y. Rajeswari (deceased) were neighbours and there were land disputes between them. It is alleged that in connection with the said disputes, a panchayat was held in the village in the presence of elders, wherein Accused No.1, who is husband of petitioner herein, abused deceased in filthy language and petitioner also joined him. Deceased thereafter committed suicide on 11.10.2021 by hanging herself in bathroom at her residence.

3. Smt. Sesha Rajyam, learned Senior Counsel appearing on behalf of learned counsel for petitioner Sri M. Koteswara Rao submits that petitioner is wife of Accused No.1. She submits that even as per the complaint, it is stated that there are disputes between accused and de facto – complainant's family. It is stated that petitioner is unconnected with the offence and she being the wife of Accused No.1, has falsely been implicated in this case. It is submitted that even if all the allegations are taken on its face value, they do not attract the offence under Section 306 IPC. as there is no abetment or

instigation to commit suicide. It is also submitted that Accused No.1 was arrested and released on bail, hence, the case of petitioner, who is Accused No.2, may also be considered for grant of pre-arrest bail.

4. Learned Assistant Public Prosecutor submits that so far, eight witnesses were examined and investigation is pending. It is submitted that complaint reveals that petitioner instigated Accused No.1 to commit the offence, as such, petitioner is not entitled for grant of pre-arrest bail.

5. Taking into consideration the boundary disputes between the parties and *prima facie*, it appears, ingredients of Section 306 IPC are not attracted, this Court deems it appropriate to grant pre-arrest bail to petitioner.

6. Accordingly, this Criminal Petition is allowed. Petitioner – Accused No. 2 shall surrender before the Station House Officer, Pothkapalli Police Station in connection with Crime No. 155 of 2021 within one week from today and on such surrender and 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 said Station House Officer, she shall be released on bail. It is made clear that no further extension of time will be granted.

LALITHA KANNEGANTI, J

17th January 2022

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