

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 934 OF 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioner – Accused seeking bail in the event of her arrest in connection with Crime No. 988 of 2021 on the file of Jagathgirigutta Police Station, registered for the offences punishable under Sections 420, 306, 506 IPC. read with Section 156(3) Cr.P.C.

2. The case of the prosecution is that de facto complainant who is father-in-law of the petitioner reported to the police that the petitioner married his son Vivek Kumar (deceased) on 11.02.2012, however, due to differences, they parted ways and the deceased filed Restitution O.P. against the petitioner and later, withdrew the same and filed Divorce O.P. It is alleged that when the panchayat took place, the petitioner rejoined the company of the deceased in February 2021 and started harassing the deceased. It is also alleged that on one day, the deceased informed the de facto complainant about the infidelity of the petitioner with one Naveen Kumar and committed suicide by hanging on 09.07.2021. It is alleged that knowing about the illegal affair of the petitioner with the said Navin Kumar, the deceased committed suicide.

3. Learned counsel for the petitioner Sri G. Ravi Chandran submits that the father of the deceased filed a private complain, basing on that the present crime is registered. He

submits that as per the complaint, the petitioner is not having good relation with the deceased and when she left the matrimonial house, the deceased filed O.P. for restitution of conjugal rights. It is stated that after the petitioner returned home also, she refused to have physical relation with the deceased and later, he came to know that the petitioner is having illegal relation with another person and the deceased informed the same to his father and committed suicide. It is stated in the private complaint that after going through the chat messages, the de facto complainant came to know that the petitioner is having relation with another person. Learned counsel submits that it is purely a matrimonial dispute between the parties and if the petitioner, in view of those disputes, committed suicide, it cannot be alleged that the petitioner has abetted the deceased to commit suicide and Section 306 IPC. has no application to the facts of the present case.

4. On the other hand, learned Assistant Public Prosecutor submits that investigation is in progress and five witnesses were examined so far and at this stage, the petitioner is not entitled for grant of pre-arrest bail.

5. Taking into consideration the allegations in the complaint, as it appears that there were matrimonial disputes between the petitioner and the deceased and *prima facie*, it appears ingredients of Section 306 IPC. are not attracted, this Court is inclined to grant pre-arrest bail to the petitioner-Accused.

6. Accordingly, this Criminal Petition is allowed. Petitioner – Accused shall surrender before the Station House Officer, Jagathgirigutta Police Station in connection with Crime No. 988 of 2021 within one week from today and on such surrender and on 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.

08th February 2022

LALITHA KANNEGANTI, J

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