

THE HONBLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.3765 of 2022

ORDER:

1. Learned Counsel for the petitioners seeks permission to withdraw this petition against petitioner No.5, who is a minor, and accordingly permission is accorded, and petition against petitioner No.5 is dismissed as withdrawn.

2. This Criminal Petition under Section 438 Criminal Procedure Code is filed by petitioners 1 to 4 and 6, who are arrayed as accused Nos.1 to 3, 5 and 7 seeking bail in the event of their arrest in connection with Crime No.70 of 2022 on the file of Sadashivpet police station, registered for the offences punishable under Section 306 of Indian Penal Code.

3. Heard the learned Counsel appearing for the petitioners and learned Assistant Public Prosecutor-respondent, for the State.

4. As seen from the record, the present complaint came to be filed on 16-3-2022. On 6.3.2022 the petitioners herein, who are closely related as son-in-law, daughter and grand-children of the deceased, trespassed into the house of the deceased and attacked him. Again on 15.03.2022 the petitioners abused the deceased in filthy language. The deceased depressed by such incident of trespassing and beatings by these petitioners, who are close relatives, consumed poison and died in the hospital. As seen from the contents of the complaint, the disputes were with regard to property, for which reason there were altercations on two occasions.

5. The learned Senior Counsel appearing for the petitioners submits that, altercations regarding property will not amount to abetting the deceased to commit suicide attracting the Section 306 of Indian Penal Code, however, it may attract the offence under Section 323 of Indian Penal Code. The two incidents that took place regarding property cannot at this stage be considered to

be of such nature so as to drive the deceased to commit suicide.

6. In the facts and circumstances of the case, since custodial interrogation is not required, the petitioners can be granted the relief of anticipatory bail.

7. The Criminal Petition is, accordingly, allowed and the petitioners 1 to 4 and 6 are granted anticipatory bail subject to the following conditions:

(1) The petitioners 1 to 4 and 6 are directed to surrender before the Station House Officer, Sadashivapet, within ten days from the date of this order, and, on such surrender, the petitioners are directed to be released on bail on their executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) with two sureties to the like sum each to his satisfaction.

(2) The petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and co-operate with the Investigating Officer in investigating the case as and when required.

(3) The petitioners shall appear before the concerned police, on every Sunday for a period of two months.

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

K.SURENDER,J

26.04.2022
trr

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.3765 OF 2022

DATE: 26.04.2022

trr