

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4399 of 2022

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 to 4 seeking to grant anticipatory bail in the event of their arrest in connection with Crime No.29 of 2022 on the file of Neredmet Police Station, Cyberabad, Hyderabad, registered for the offence under Section 174 of Code of Criminal Procedure, 1973.

2. Heard the learned counsel appearing for the petitioners, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The facts of the case are that the complainant and his wife Saroja along with in-laws Ravi and Rajani and deceased Sri Ankem Babji, who is brother to Ravi were residing at H.No.30-265/332/A, Road No.4, RKHS Colony, Neredmet, Nagavaram Village, Krosuru Mandal, Guntur District, since the deceased was unmarried. On 12.01.2022 at about 16:00 hours, when the complainant's mother-in-

law Rajani went to back side room in which the deceased was staying, she found that the door was locked from inside and when she knocked the door, he did not open the door and then when she saw from window, she found that the deceased was hanging with the help of chunni. Immediately, they brought down the body and found one suicide letter in his pocket and called the 108 ambulance where they checked and informed that he was dead. The complainant further stated that since the deceased was suffering from BP, Diabetes since 10 years, and due to that depression, he might have committed suicide and there is no suspicion on his death.

4. The Station House Officer, Neredmet Police Station, Cyberabad, Hyderabad, has filed a petition for alteration of Section 174 of Cr.P.C. to Section 306 read with Section 34 of IPC and the same was allowed by the learned XVIII Metropolitan Magistrate, Cyberabad, at Malkajgiri, wherein it is alleged that the *de facto* complainant has committed suicide due to mental torture of petitioners/accused Nos.1 to 4 regarding property

dispute. Basing upon the above said allegations, the SHO, Neredmet Police Station, Cyberabad, Hyderabad, has registered case in Crime No.29 of 2022 against petitioners/accused Nos.1 to 4 for the alleged offences under Section 306 of IPC.

5. Learned counsel for the petitioners contended that the petitioners/accused Nos.1 to 4 are no way concerned with the offence of abetment of suicide. He further contended that there must be proof of direct or indirect acts of incitement to the commission of suicide and there must be an active role of instigating or aiding the doing of a thing, abetting the commission of offence under Section 306 of IPC and abetment involves a mental process of instigating a person or intentionally aiding a person in doing a thing. Learned counsel further submits that insofar as the suicide note is concerned and the entire material on record, *prima facie* the intention or instigation is lacking. Learned counsel further submits that the petitioners are ready to abide by any conditions that may

be imposed in the event of their enlargement on anticipatory bail.

6. Learned Additional Public Prosecutor has submitted that nine witnesses have been examined and the Forensic Science Laboratory Report has been collected.

7. As seen from the CD file, the witnesses have been examined and the entire investigation is completed and the Forensic Science Laboratory Report has also been collected.

8. Considering the facts and circumstances of the case, it appears that there are property disputes between the *de facto* complainant and the petitioners/accused Nos.1 to 4 and in the present case, there is no allegation that the petitioners/accused Nos.1 to 4 have necessarily instigated and abetted the deceased to commit suicide.

9. In view of the above, I am inclined to grant anticipatory bail to the petitioners/accused Nos.1 to 4.

10. Accordingly, the Criminal Petition is allowed and the petitioners/accused Nos.1 to 4 are granted anticipatory bail subject to the following terms and conditions:

(1) The petitioners/accused Nos.1 to 4 are directed to surrender before the Station House Officer, Neredmet Police Station, Rachakonda, within a period of four (04) weeks from the date of this order and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 to 4 on their executing personal bond to the tune of Rs.25,000/- each (Rupees twenty five thousand only) with two sureties for a like sum each to his satisfaction.

(2) On such release, the petitioners/accused Nos.1 to 4 shall personally appear before the investigating authorities on 2nd and 4th Sundays of the month between 10.00 A.M. to 2.00 P.M., for a period of two (02) months or till filing of the charge sheet, whichever is earlier.

(3) The petitioners/accused Nos.1 to 4 shall abide by the other conditions stipulated under Section 438 (2) Cr.P.C., and shall co-operate with the Investigating Officer in investigating the case.

9. Miscellaneous applications, if any, pending shall stand closed.

JUVVADI SRIDEVI, J

19.05.2022
KL/dv