

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5405 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioners, who are arrayed as Accused Nos.1 and 2 in the event of their arrest in Crime No.266 of 2022 on the file of Station House Officer, Jangaon Police Station, Warangal District registered for the offence punishable under Section 306 of Indian Penal Code.

2. Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that on 17.05.2022 the wife of the deceased filed a complaint stating that the house owners who are the petitioners 1 and 2 complained about missing of their gold ornaments. In the said process, the deceased was suspected to have committed the said theft and also abused the deceased that he was responsible for the missing of gold ornaments. The deceased unable to bear the insult, consumed pesticide and he was taken to

hospital at Jangaon, where he died while undergoing treatment on 19.05.2022.

4. Learned counsel for the petitioners submits that the allegation against these petitioners is that they were suspecting the deceased about their missing jewellery which could not amount to abetting for commission of suicide, as required under Section 306 of IPC.

5. As seen from the allegations in the complaint, the petitioners suspected the deceased about the missing jewellery and alleged to have questioned the deceased about missing jewellery and in the said process abused him. These petitioners who are aged more than 60 years are apprehending arrest on the allegation of abetting suicide.

6. Since the complaint makes an allegation against these petitioners suspecting the deceased about their gold ornaments, keeping in view the age of these petitioners and there being no necessity of any custodial interrogation, they can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused are directed to surrender before the Station House Officer, Jangaon Police Station, Warangal District within one week from today, and on such surrender, they shall be enlarged on bail on their executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of two (02) months or until filing of charge sheet, whichever is earlier.

iii) The petitioners/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 01.07.2022
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