

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5725 of 2022

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure,' 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Sole Accused on bail in connection with Crime No.155 of 2022, on the file of Aswaraopeta Police Station, Bhadradri Kothagudem, for the offences punishable under Section 306 of Indian Penal Code.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The petitioner is alleged to have detained the deceased for the reason of his friendship with the person who had eloped with the girl in the village. The deceased was persistently enquired by the petitioner herein who is the Sarpanch of the said village and detained him in the room to give the details of the eloped couple.

4. The case of the prosecution is that the deceased did not know about the eloped couple and for the reason of being detained and for humiliation at the hands of this petitioner he consumed pesticide on 12.06.2022 and died on 14.06.2022.

5. Learned Counsel for petitioner submits that in fact the ingredients of Section 306 of Indian Penal Code are not made out,

since there is allegation of beating. Even assuming that petitioner had beaten him, it amounts to offence under Section 323 of Indian Penal Code and does not attract abatement for committing suicide which is required to make offence under Section 306 of Indian Penal Code; and that the petitioner is in jail from 15.06.2022.

6. In the said circumstances, the petitioner can be released on bail, subject to following conditions:

i. The petitioner/ Sole Accused is directed to be released on bail on his executing personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for like sum each, to the satisfaction of I Additional Judicial First Class Magistrate, Kothagudem.

ii. On such release, the petitioner/Sole Accused shall appear before the concerned Police Station on every Monday between 10.30 a.m. to 1.00 p.m. for a period of two months for the purpose of investigation.

iii. The petitioner/A3 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

7. Accordingly, the Criminal Petition is allowed.

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

K.SURENDER, J

Date :08.07.2022
tk

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 5725 of 2022
Dt.08.07.2022

tk