

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.7867 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioners who are arrayed as Accused Nos.2 and 3 in the event of their arrest in Crime No.686 of 2022 on the file of Station House Officer, Medchal Police Station, Pet Basaheerabad Division, Cyberabad registered for the offence punishable under Section 306 read with Section 34 of Indian Penal Code.

2. Heard learned counsel for petitioners/Accused Nos.2 and 3 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that the deceased along with Accused No.1 who was already arrested in the case was doing business. In the course of business they have also taken loans from Instafund Finance. The 1st petitioner is the partner and the 2nd petitioner is the Manager of the said firm.

4. On perusal of the remand report of Accused No.1, it is alleged that these petitioners have continuously asked the deceased to pay back the amount that was due and they have also seized vehicles in pursuance of the recovery that was made from the deceased. For the reason of the petitioners continuously asking the deceased for repayment of the loan amount, she committed suicide.

5. As seen from the averments in the complaint and the remand report, these petitioners were insisting the deceased for repayment of the loan. In the process of the said recovery the petitioners have also seized vehicles and pressurized her to repay the amount outstanding. In the said circumstances, when the petitioners though went overboard in trying to recover the amount, it cannot be said that they have intentionally abetted the deceased in commission of suicide, they can be granted the relief of anticipatory bail.

6. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.2 and 3 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.2 and 3 are directed to surrender before the Station House Officer, Medchal Police Station, Pet Basaheerabad Division, Cyberabad within one week from today, and

on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.2 and 3 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of eight (08) weeks or till filing of charge sheet whoever is earlier.

iii) The petitioners/Accused Nos.2 and 3 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

6. However the findings in the present petition are made only for disposal of the present criminal petition and any subsequent findings of the police shall prevail.

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

K.SURENDER, J

Date: 13.09.2022
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