

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9874 OF 2021

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No. 3 seeking bail in the event of his arrest in connection with Crime No. 96 of 2021 on the file of P.S.L.M.D. Colony, Karimnagar registered for the offence punishable under Section 306 read with Section 34 IPC.

2. The case of prosecution is that complainant Bongoni Rajeshwari reported to police that her younger son Bongoni Sanjeev (deceased), on the night of 12.05.2021, while was in liquor party, Thoutam Santhosh, Md. Mosin and Abdul Vassim who are friends and workers of Mohd. Shoyab beat him. Thereafter, he came to the house and slept in his room till the evening of 13.05.2021. When they tried to wake him up, he was found to be in unconscious state and thereafter, while undergoing treatment, the deceased died. It is alleged that the above three persons were responsible for the death of the deceased.

3. Learned counsel for petitioner Sri P. Vamsheedhar Reddy submits that even as per the complaint also, on the allegation that deceased committed theft of cell phone, he was kept in a room. It is stated that when the brother-in-law of deceased met him, he told that accused beat him indiscriminately by insulting him over the allegation of committing theft of cell phone and further all of them are in a

drunken condition and later he came to know that deceased committed suicide. Learned counsel submits that if all the allegations in the complaint are taken on its face value, they do not attract the offence under Section 306 IPC., as, absolutely, there is no abetment on the part of petitioner to commit suicide by the deceased. It is stated that even as per the complaint, deceased committed theft of cell phone and accused wanted the cell phone to be returned. Hence, he submits that petitioner's case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that there are specific overt acts against petitioner, who is responsible for the death of deceased. He further submits that so far eight witnesses were examined and investigation is still in progress, hence, petitioner is not entitled for grant of bail.

5. *Prima facie*, it appears that ingredients of Section 306 IPC. are not attracted. Hence, this Court deems it appropriate to grant bail to petitioner.

6. Accordingly, this Criminal Petition is allowed. Petitioner – Accused No.3 shall surrender before the Station House Officer, P.S. L.M.D.Colony, Karimnagar in connection with Crime No. 96 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he

shall be released on bail. It is made clear that no further extension of time will be granted.

06th January 2022

LALITHA KANNEGANTI, J

ksld

