

THE HONOURABLE SRI JUSTICE Dr. D. NAGARJUN

Criminal Petition No.324 of 2023

ORDER:

This Criminal Petition is filed by the petitioners / Accused Nos.6 and 7 under Section 438 of the Code of Criminal Procedure, 1973 (**for short, 'the Act'**) praying this Court to grant bail to the petitioners who are arrayed as Accused Nos.6 and 7 in the event of their arrest in Crime No.881 of 2022 on the file of P.S. Ramachandrapuram, Cyberabad Commissionerate, Medak District for the offences under Section 420, 306 and 506 read with Section 34 of I.P.C.

2. Heard Mr. K. Venumadhav, learned counsel for the petitioners; and Mr. T.V.Ramana Rao, learned Additional Public Prosecutor, appearing on behalf of the respondent-State.

3. Perused the record.

4. As per the F.I.R., the wife of the deceased, viz., Ms. M. Swapna, has filed a complaint on 25.11.2022, stating that she found her husband dead by hanging to a ceiling

fan; she verified the *Whatsapp* message sent by her husband at 02:40 A.M. and found that the reason for the death of her husband is due to the harassment meted out to him by the SBI, Bajaj and IDFC bank recovery agents; the said bank recovery agents harassed the husband of the *de facto* complainant for payment of amount borrowed by him; and on account of the pressure exerted by the bank recovery agents, the deceased-husband had also pledged two (02) tolas of gold belonging to his wife and he has also sold away his vehicle and paid the money; even thereafter, the said bank recovery agents, viz., Mr. S. Sridhar Reddy and Mr. S. Stephen, continued to harass the deceased, due to which the deceased succumbed to committing suicide by hanging himself to a ceiling fan; thereafter, the wife of the deceased, filed a complaint before the concerned police station, and gave mobile numbers of persons who were allegedly making calls to the deceased; and the wife of the deceased has also mentioned the names of persons who were responsible for the death of her husband, viz., Sridhar Reddy and Stephen and others.

5. Learned counsel for the petitioners further submitted that the petitioners, who were accused Nos. 6 and 7, are in

no way concerned for the death of the deceased. Even according to the prosecution, the petitioners were not at all involved. The telephone numbers mentioned in the complaint also do not belong to the petitioners. None of the accused have confessed anything against the petitioners. There is no material at all against the petitioners to prove the cause of death of the deceased; and therefore, prayed this Court to grant bail by allowing the Criminal Petition.

6. On the other hand, learned Additional Public Prosecutor, appearing for the respondent-State, contended that the suicide note / Whatsapp message and also the contents of the complaint would go to show that the petitioners are also part of the collection agents who have harassed the deceased thereby causing death of the deceased.

7. Having gone through the material on record, it is clear that the names of petitioners were not mentioned either in any death note or in the complaint made by the wife of the deceased. The death note clearly stated that one S. Sridhar Reddy and S. Stephen are responsible for his death as they were harassing the complainant. Therefore, as per the

material placed before the Court, by both counsel, the petitioners are entitled for grant of bail.

8. Further, it was brought to the notice of this Court that a learned Single Judge of this Court, while allowing Criminal Petition No.11269 of 2022, vide order dated 23.12.2022, granted *anticipatory bail* to petitioners Nos. 1 to 5 therein, wherein the petitioners / accused Nos.6 and 7 were arrayed as petitioner Nos.1 and 2 in the said Criminal Petition.

9. Therefore, this Court is of the considered view, that considering the above circumstances, since the names of the petitioners were also mentioned in the above Criminal Petition and were granted anticipatory bail by a learned Single Judge of this Court, and as the petitioners are in no way connected for the offence causing death of the deceased, the petitioners herein are also entitled for grant of bail.

10. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.6 and 7 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.6 and 7 are directed to surrender before the P.S. Ramachandrapuram, Cyberabad

Commissionerate, Medak District within one (01) week from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.6 and 7 shall appear before the concerned Station House Officer on every Monday and Friday between 10.30 AM and 01.00 PM for a period of six (06) weeks or till filing of charge sheet whoever is earlier.

iii) The petitioners/Accused Nos.6 and 7 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

D. NAGARJUN, J

Date : 18.01.2023
Ndr