

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.457 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners / accused Nos.1 to 4 under Section 438 of the Criminal Procedure Code, 1973 seeking pre-arrest bail in Crime No.557 of 2022 of Station House Officer, Jadcherla Police Station, Mahaboobnagar District, registered for the offence under Section 306 read with Section 34 of the Indian Penal Code.

02. Heard Sri G Jaya Reddy, learned counsel for the petitioners / accused Nos.1 to 4 as well as Sri T. V. Ramana Rao, learned Additional Public Prosecutor for the Respondent / State and perused the record.

03. According to the complaint filed by the father of the deceased the marriage of the deceased's son and the accused No.1 was a love marriage. After four months of marriage, the accused No.1 has took the deceased to Balanagar stating that he can do some business there. When his son was staying in house of his wife accused No.1 and his

in-laws i.e., accused No.2, 3 and brother of accused No.1 used to pick up quarrel with him. The de-facto complainant has tried to intervene even then the petitioners did not change their attitude. Four days prior to that, his son complained that the petitioners were beating him and the de-facto complainant went there and brought his son to the house of the de-facto complainant. On 08.09.2022 his son committed suicide by hanging by leaving suicide note stating that the petitioners are responsible for his death.

04. Learned counsel for the petitioners/accused Nos.1 to 4 has submitted that allegations are false even if the death note was taken into consideration and prayed for grant of bail.

05. Learned Additional Public Prosecutor for the Respondent/State has submitted that the investigation is not completed and the de-facto complainant is direct witness to whatever incidents narrated in the complaint in respect of the harassment and prayed for dismissal of the bail petition.

06. As seen from the record, four days prior to the death of the deceased, the deceased came back to his house

leaving the petitioners at their respective village. Even if the contents of the death note are accepted, the deceased has clearly mentioned about the harassment meted out by the petitioners/accused Nos.1 to 4 and there is no material to show that the petitioner have abated the death of the deceased. On the basis of the record, there are no ingredients of offence punishable under Section 306 of the Indian Penal Code applicable to the facts of the case. Considering the circumstances, the petitioners / accused Nos.1 to 4 are entitled for grant of pre-arrest bail.

07. Accordingly, the Criminal Petition is allowed, subject to the following conditions:

(i) The petitioners / accused Nos.1 to 4 are directed to surrender before the Station House Officer, Jadcherla Police Station, Mahaboobnagar District, within two weeks from today, and on such surrender, the petitioners / accused Nos.1 to 4 shall be enlarged on bail on their executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a likesum each to the satisfaction of the Station House Officer, Jadcherla Police Station, Mahaboobnagar District.

(ii) On such release, the petitioners / accused Nos.1 to 4 shall appear before the Station House Officer, Jadcherla Police Station, Mahaboobnagar District on every Monday and Friday between 10:00 AM to 12:00 PM., until further orders or till filing of chargesheet, whichever is earlier.

(iii) The petitioners / accused Nos.1 to 4 shall abide by the other conditions stipulated in Section 438 (2) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications in this matter, if any, shall stand closed.

Date: 20-Jan-2023
KHRM

DR. D.NAGARJUN, J

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