

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION NO.3136 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner / A4 under Section 438 of Cr.P.C. to direct the Police, Vemulapally of Nalgonda District to release him on bail in the event of his arrest in Crime No.24 of 2023 of PS Vemulapally.

2. The case of the prosecution in brief was that on 06.03.2023 at 07:30 PM, the complainant, the wife of the deceased filed a report before the Police, Vemulapally stating that she was married with the deceased 10 years ago and was blessed with a boy and a girl. After marriage, her husband shifted their family to Pamulapahad Village and he purchased a rice mill and renovated the same with his marriage dowry amount. For the past two years, her father-in-law, mother-in-law, brother-in-law and sister-in-law were demanding a share in the said rice mill and were harassing her husband physically and mentally. On 06.03.2023 at about 01:00 PM, her father-in-law, mother-in-law, brother-in-law and sister-in-law along with two other villagers came to their house at Pamulapahad Village and threatened her husband with dire consequences, if he did not give a share in the rice mill and beat him with hands and left the place. Thereafter, her husband committed suicide by hanging to a ceiling fan. Some of the inhabitants of the village observed the same sometime later and informed her, but by that time her husband died. Basing on the said report, the above

case was registered in Crime No.24 of 2023 for the offences under Sections 306 and 323 read with Section 34 of IPC.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. The learned counsel for the petitioner submitted that the petitioner was the married sister of the deceased. She was married with one Anjaiah 15 years ago and was residing at Pannalagudem of Nakrekal Town of Nalgonda District along with her husband and children. She had no occasion to involve in the family matters of her parents as well as in the business of her brother, Srinu. The deceased or the complainant never brought to the notice of the Police or the elders, if the said allegations about the harassment were true. The Police had arrested the accused 1, 2 and 3 on 09.03.2023. The petitioner was also apprehending her arrest. She had not visited the place of the deceased on 06.03.2023 and prayed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioner. The learned Additional Public Prosecutor stated that two independent witnesses stated about the threatening of the deceased by the accused persons and opposed the grant of bail to the petitioner.

6. Perused the record.

7. The 161 Cr.P.C. statements of the witnesses filed by the Additional Public Prosecutor, would not disclose the petitioner or any other accused persons instigating or abetting the deceased to commit suicide. There was no suicide letter written by the deceased. The essential ingredients of the offence under Section 306 of IPC are abetment, aiding or instigating the deceased to commit suicide. The alleged act of the accused persons demanding for a share in the property or threatening him would not constitute the offence of abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. As there are no such ingredients attracting the offence under Section 306 of IPC, it is considered a fit case to grant anticipatory bail to the petitioner.

8. In the result, the Criminal Petition is allowed and the petitioner is granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioner is directed to surrender before the Station House Officer (for short "SHO") of PS Vemulapally within a period of fifteen (15) days from the date of this order, and on such surrender the SHO, PS Vemulapally shall release the petitioner on bail on her executing a personal bond for a sum of Rs.15,000/- with two sureties each for the like sum to the satisfaction of the said SHO. The petitioner

shall comply all the conditions laid down under
Section 438 (2) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. G.RADHA RANI, J

06th April, 2023
nsk.