

**THE HON'BLE SRI JUSTICE A. SANTHOSH REDDY**

**CRIMINAL PETITION No.3804 of 2023**

**ORDER:**

This Criminal Petition is filed by the petitioner – accused No.3 under Sections 437 and 439 of Cr.P.C. to enlarge the petitioner on bail in connection with Crime No.14 of 2023 on the file of Chandurthy Police Station, Rajanna Sircilla District registered for the offence under Section 306 read with Section 34 of IPC.

2. The case of the prosecution in brief is that on 31-01- 2023 at 4:45 P.M., the sister of the deceased lodged a report stating that her younger brother Athena Raju, who was working as Record Assistant in Sircilla Court, committed suicide by hanging. Her younger brother's wife Athena Shailaja incurred debts while running a medical shop along with A1 at Jagtial and sustained loss. One lady by name, Md.Saleema filed a false case against her younger brother. For the past 5 years, her younger brother's wife was staying away from her husband. While so, three days before Shailaja came along with her children to Chandurthy village and picked up quarrel with the deceased and left. Her younger brother

was worried mentally and committed suicide in her absence and hence, she requested to take action against the wife of her younger brother by name, Athena Shailaja, Mukka Venkatesh and Md.Saleema, etc., who were responsible for the death of her younger brother.

3. Basing on the said report, the police of Chandurthy Police Station, Rajanna Sircilla District registered a case vide Crime No.14 of 2023 under Section 306 read with Section 34 of IPC.

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

5. The learned counsel for the petitioner – Accused No.3 submitted that there was not even a whisper in the complaint that the petitioner has instigated the deceased to commit suicide. The de-facto complainant, at the instigation of some persons, who had adverse terms with the petitioner had invented a story by roping the petitioner and others as accused, taking advantage of the death of the deceased to evade repayment of hand loans. The allegations in the complaint even if considered were true, they would only

disclose that A1 was running a medical shop with the wife of the deceased, petitioner/A3. There was no other statement that points that the petitioner had induced the deceased to commit suicide. The petitioner has no role to play in the suicide of the deceased. Accused No.2 was granted anticipatory bail by the court vide order dated 17.02.2023 in CrI.M.P.No.53 of 2023 in Crime No.14 of 2023 and Accused No.1 was also granted anticipatory bail by this Court vide order dated 04-04-2023 in CrI.P.No.2595 of 2023. The petitioner is ready to cooperate with the investigating agency and prayed to enlarge the petitioner on bail.

6. The learned Assistant Public Prosecutor submitted that the name of the petitioner was found in the suicide note of the deceased that she was responsible for his death and that the petitioner was having extra marital affair with A1 and both of them troubled him.

7. Perused the record and a copy of the suicide note filed by the learned Assistant Public Prosecutor. The suicide note of the deceased would disclose that his wife i.e., petitioner/A3, was running a medical shop along with A1 at Jagtial and A1 made him

addicted to alcohol and while he was in inebriated condition, both of them obtained his signatures on blank cheques and handed over the said cheques to one Saleema Bee, from whom they had taken loan and the said Saleema Bee filed a case against the deceased and his wife. A1 had extra marital affair with his wife. The suicide note also would disclose that the petitioner/A3 was living separately from him for the past seven years.

8. The complaint and the suicide note would not disclose that the petitioner induced the deceased to commit suicide. The complaint or suicide note also would not disclose that the petitioner approached the deceased or abetted him or instigated him to commit suicide.

9. Learned counsel for the petitioner relied upon the judgments of the Hon'ble Apex Court in **Gurucharan Singh Vs. State of Punjab<sup>1</sup>**, **M. Arjunan Vs. State represented by its Inspector of Police<sup>2</sup>**, **Rajesh Vs. State of Haryana<sup>3</sup>** and **Gurucharan Singh**

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<sup>1</sup> (2017) 1 SCC 433

<sup>2</sup> (2019) 3 SCC 315

<sup>3</sup> (2020) 15 SCC 359

**Vs. State of Punjab**<sup>4</sup> wherein it was held that the essential ingredients of the offence under Section 306 I.P.C. are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 I.P.C.

10. As none of the ingredients of Section 306 of IPC would attract against the petitioner, it is considered a fit case for grant of bail to the petitioner.

11. In the result, the Criminal Petition is allowed and the petitioner/A3 shall be enlarged on bail on her executing a personal bond for a sum of Rs.15,000/- with two sureties for the like sum each to the satisfaction of the Junior Civil Judge-cum-Judicial Magistrate of First Class, Vemulawada. The petitioner shall appear before the Station House Officer, Chandurthy Police Station, Rajanna Sircilla District, on every Sunday between 10.00

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<sup>4</sup> (2020) 10 SCC 200

a.m. and 5.00 p.m, till completion of investigation or filing of the charge sheet. However, the petitioner shall cooperate with the investigation and shall not leave the country without prior permission of the Court below.

12. Miscellaneous petitions pending, if any, shall stand closed.

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**A. SANTHOSH REDDY, J**

**04<sup>th</sup> May, 2023**

**sj**