

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3829 of 2023

ORDER:

1. Heard Sri R.Chandrashekar Reddy, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioners, who are arrayed as Accused Nos.1 to 5 in Crime No.41 of 2023 of Sanathnagar Police Station.

3. The matrix of the case as could be perceived through the complaint is that the son of the *de facto* complainant by name Naresh (hereinafter be referred as 'the deceased' for brevity) married petitioner No.1. There were trivial issues between the couple. However, the 2nd petitioner, who is the mother-in-law and the petitioner Nos.3 to 5, who are the brothers-in-law of the deceased, used to harass the deceased. Petitioner No.1 used to visit her parent's house very often. The deceased used to feel bad. The deceased used to approach his in-laws place and used to bring petitioner No.1 back home. Petitioner No.1 left to

her parent's place to attend Sankranthi festival. Later, the deceased went to his in-laws place to bring petitioner No.1 back. But, the deceased returned alone and on enquiry, he informed that Petitioner Nos.2 to 5 failed to send Petitioner No.1 along with him. On 19.01.2023, the deceased committed suicide by hanging. He wrote a suicide note that the petitioners are responsible for his death.

4. Contenting that the petitioners are innocent, learned counsel for the petitioners submits that even in the suicide note, the deceased made a mention that he is unable to live without his son and therefore, he is committing suicide. Learned counsel states that the petitioners neither abetted nor instigated the deceased to commit suicide and thus, the ingredients of Section 306 IPC does not attract. Learned counsel also submits that there was no communication between petitioner No.1 and the deceased from 13.01.2023 till 19.01.2023 and therefore, it is not known under what circumstances the deceased committed suicide. Learned counsel, thereby, seeks to grant the relief claimed.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the deceased made a mention in his suicide note that the petitioners are responsible for his death and thus, Section 306 IPC attracts. Learned Additional Public Prosecutor also states that four (4) witnesses were examined till now and the case is still under investigation.

6. As per the contents of the complaint, it is clear that there were trivial issues between the deceased and petitioner No.1. The requirement of arresting the petitioners and remanding them to judicial custody is not stated by the learned Additional Public Prosecutor. That apart, the submission of the learned counsel for the petitioners is that there is neither instigation nor abetment towards the deceased for committing suicide and thus, Section 306 IPC does not attract.

7. Having considered all these aspects, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

8. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioners/Accused Nos.1 to 5 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) The petitioners/Accused Nos.1 to 5 shall report before the Station House Officer, Sanathnagar Police Station, on every Sunday and Thursday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioners/Accused Nos.1 to 5 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 to 5 should afford all assistance for proper investigation of the case.

- (v) The petitioners/Accused Nos.1 to 5 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.1 to 5 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 to 5 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioners/Accused Nos.1 to 5 hold a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.1 to 5 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 to 5 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 to 5 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioners shall intimate the

court concerned by giving fresh affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:25.04.2023
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