

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.4788 OF 2023

ORDER:

Heard the learned counsel appearing for the petitioner/Accused No.3, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

2. This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973 is filed by the petitioner/Accused No.3 seeking to grant bail to him in Crime No.47 of 2023 of Mavala Police Station, Adilabad District. Initially the crime was registered under Section 174 of Cr.P.C. and in the course of investigation the Section of Law was altered to Sections 306 read with 34 of I.P.C.

3. As per the Remand Case Diary of the petitioner, the marriage of L.W.5 was performed with one Santosh, R/o. Parsuvada Village of Maharastra State and she has one daughter (LW6) and one son i.e., the deceased. The husband of L.W.5 had two brothers and both of them have migrated to Tirpelly Colony, Adilabad and her in-laws are residing at Parsuvada Village of Maharastra State only. The husband of L.W.5 died due to ill health. As L.W.6, the daughter of L.W.5, was getting marriage alliance, L.W.5 decided to sell some land which would fell to their share and L.W.5, along with the deceased, asked her in-laws to give their share in 18 acres of agriculture land but her in-laws denied to

give any share in the joint family property. One month back, the marriage of L.W.6 was settled. About four days back in-laws of L.W.5 came to Tirpelly at her brother-in-law house, on that L.W.5 and the deceased went the house of her brother-in-law where L.W.5 and deceased requested the in-laws to give their share in the property, so that they can sell some property and perform the marriage of L.W.6. The in-laws of L.W.5 denied to give share saying that L.W.5, her daughter and son do not have any share in the land and insulted them. Due to such insult, the deceased was depressed and on 14.02.2023 at about 10:30 p.m. the deceased went to railway track near Battisavargaon village shivar and sent a whatsapp message to L.W.7 stating that due to torture of his grandfather, grandmother, paternal uncle, aunt and their son and daughter he is committing suicide and switched off his mobile and thereafter committed suicide by falling on railway track, meanwhile the train came and dashed the deceased, due to which he received severe injuries and died on the spot.

4. As there is no allegation against the petitioner that there was any act committed by him, which caused abetment to the deceased to commit suicide, this Court is of the *prima facie* opinion that the offence under Section 306 of I.P.C. is not made out. Therefore, I am inclined to grant bail to the petitioner on certain terms and conditions.

5. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.3 shall be released on bail on the following terms and conditions:

- (i) That the petitioner/accused No.3 shall execute a personal bond for Rs.5,000/- (Rupees five thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class (PCR) at Adilabad.
- (ii) that the petitioner/accused No.3 shall not tamper with the prosecution witnesses;
- (iii) that the petitioner/accused No.3 shall co-operate with the investigating agency.
- (iv) that the petitioner/accused No.3 shall not misuse the liberty granted to him.

B. VIJAYSEN REDDY, J

01.06.2023
Rkk/gkv

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