

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.4968 of 2023

ORDER:

1. This petition is filed seeking to grant regular bail under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioners are accused Nos.1 to 6 in Crime No.243 of 2023 of Jangaon police station, Jangaon. The offences alleged against accused are under Sections 306, 294(b), 506 r/w 34 of IPC, Section 3(2)(v) of SC/ST Prevention of Atrocities Act, 2015.

2. This petition has already been dismissed as withdrawn in respect of petitioner Nos.2 to 5 *vide* order of this Court dated 08.06.2023.

3. The sum and substance of the case of the prosecution is that the deceased initially joined a chit with accused No.6 and he promised to provide chit amount in a month. Believing the statement of accused No.6, the deceased obtained hand loan from accused Nos.1 to 5 with promise to pay back after receiving the amount from accused No.6. Accused No.6 has not paid the amount as promised. As such the deceased could not repay the loan amount to accused Nos.1 to 5 as promised. Therefore, on 17.04.2023, accused Nos.1 to 5 went to house of the deceased at

5.00 p.m., and allegedly they abused him in a filthy language in the name of his caste. The deceased felt insult and committed suicide by hanging in the midnight at his home.

4. Heard the learned counsel on either side and perused the materials placed on record.

5. On a perusal of the records, it is seen that accused Nos.1 to 5 all together went to the house of the deceased to get back their amounts and the words allegedly uttered by them on the deceased are as follows:

“Pysalu Kattanoda, Saavaradu Ra, Maa pysalu Ivvakunte nee Anthu Chustham”

Further, it was not specifically stated who actually uttered these words. At that time, accused No.6, with whom the deceased subscribed the chit, was not present and he is not at all concerned to the alleged incident occurred on 17.04.2023, but still he was roped in. *Prima facie* this Court feels that such words are not amounting to instigation to commit the suicide. Further, there is an ample time for the deceased to recede from the emotions created by accused Nos.1 to 5.

6. Considering the above facts and circumstances of the case and considering the period of remand of the accused, this Court is inclined to grant bail to the petitioner Nos.1 and 6.

7. In the result, the Criminal Petition is allowed and the petitioner Nos.1 and 6/accused Nos.1 and 6 shall be released on bail on the following terms and conditions:

(i) The petitioner Nos.1 and 6/accused Nos.1 and 6 only shall be released on bail on executing their personal bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the learned Special Judge for Trial of Cases under the SC/ST (POA) Act-cum-II Additional Sessions Judge at Warangal.

(ii) The petitioner Nos.1 and 6/accused Nos.1 and 6 shall not directly or indirectly influence or make any witnesses or complainant.

(iii) The petitioner Nos.1 and 6/accused Nos.1 and 6, shall not indulge in similar type of offences till conclusion of trial and if it is found that they are involved in similar type of offences in future, the bail granted to them shall automatically stands cancelled and they shall be taken into custody forthwith.

(iv) The petitioner Nos.1 and 6/accused Nos.1 and 6 shall make available with the investigating agency for proper investigation and they shall fully cooperate with the investigating agency. They shall not act in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M.LAXMAN

16.06.2023

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