

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5209 OF 2023****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is Accused No.1 in the event of his arrest in Crime No.54 of 2022 on the file of Station House Officer, Shahinayathgunj Police Station, Hyderabad, registered for the offence punishable under Section 306 read with Section 34 of Indian Penal Code.

2. Heard learned counsel for petitioner/Accused No.1 and learned Additional Public Prosecutor for respondent-State. Perused the record.

3. The case of prosecution is that the deceased was found dead in his room by brother who filed a complaint. Thereafter, the police found suicide note which was allegedly written by the deceased. In the said suicide note there is mention about the petitioner threatening the deceased with dire consequences. The reason for threatening is that the deceased married the petitioner elder's daughter by suppressing his previous marriage.

4. As seen from the suicide note, which is not in dispute the deceased stated that the petitioner had threatened to kill him and he was under the impression that the petitioner and others who are influential persons would file cases against him.

5. The only allegation against the petitioner is that he threatened the deceased. *Prima facie* the ingredients of abetting a person to commit suicide are not attracted. In the said circumstances, the petitioner/Accused No.1 can be granted the relief of anticipatory bail.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.1 is directed to surrender before the Station House Officer, Shahinayathgunj Police Station within one week from today, and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) On such release, the petitioner/Accused No.1 shall appear before the concerned Station House Officer on every Monday at 10.00 AM for a period of four (4) weeks and thereafter as and when required for the purpose of investigation.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications, if any, pending shall stand closed.

Date: 21.06.2023
Vsl

K.SURENDER, J

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