

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos. 7436 of 2023 and 7483 of 2023

COMMON ORDERS:

These Criminal Petitions are filed under Section 438 of Cr.P.C. by the petitioners/Accused Nos.1 to 3 seeking anticipatory bail in the event of their arrest in connection with Crime.No.740 of 2023 of P.S Hayathnagar, Rachakonda Commissionerate, Ranga Reddy District, registered for the offence under Sections 363, 306 r/w 34 of Indian Penal Code.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The wife of the deceased lodged a complaint on 25.06.2023 stating that the accused Nos.1 and 2 went to their house and took the deceased on 18.06.2023 in a car. Later, her husband went to Bheemavaram in train. On 19.06.2023 when she made a phone call, the same was switched off and immediately she made a phone call to petitioner/accused No.3. Accused No.3 informed that deceased was sleeping and thereafter accused No.3 informed that the deceased ran away. On 24.06.2023, the complainant received information that her husband committed suicide by hanging in R Square (Oyo Lodge). These petitioners are responsible for a suicide. On the

basis of the said complaint, the police registered a case under Section 363, 306 r/w 34 of Indian Penal Code.

4. On instructions, the Public Prosecutor would submit that on 18.06.2023 the accused Nos.1 and 2 took the deceased in car and left him at Kukatpally. On the same day, both, accused No.3 and deceased, travelled to Bheemavaram. The deceased came back to Hyderabad on the next day i.e., on 19.06.2023 and started staying in Oyo Hotel at Vanasthalipuram.

5. Admitting, there were money transactions in between the petitioners and the deceased, there is no allegation as to how these petitioners were responsible for committing suicide. Even according to the preliminary investigation done, the deceased returned from Bheemavaram on 19.06.2023 and stayed at Hotel and what happened in 05 days in between 19.06.2023 and 24.06.2023 is not stated by the prosecution. For the reason of money transactions in between the petitioners and deceased, the same cannot be made basis for alleged abetment of suicide, unless there are specific allegations. Since specific allegations are lacking in the present case, this Court deems it appropriate to grant the relief of anticipatory bail to the petitioners, subject to the following conditions:-

- 1) The petitioners/Accused Nos.2 and 3 are directed to surrender before the Station House Officer, Hayathnagar Police Station, Hyderabad on 21.08.2023. Upon such surrender, the said Station House Officer shall release the petitioners/Accused Nos.2 and 3 on bail, on their executing personal bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties for a like sum each to their satisfaction.
 - 2) On such release, the petitioners/Accused Nos.2 and 3 shall appear before the concerned police every Monday and Wednesday for eight (08) weeks at 10.00 a.m. and thereafter, as and when required for the purpose of investigation.
 - 3) The petitioners/Accused Nos.2 and 3 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.
 - 4) The petitioner/accused No.1 shall appear before the concerned police as and when required for the purpose of investigation.
6. Accordingly, the Criminal Petitions are allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date: 16.08.2023
mmr/dsv

K.SURENDER, J

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