

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12733 OF 2023

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/Accused in Crime.No.816 of 2023 on the file of Panjagutta Police Station, Hyderabad, registered for the offences under Sections 8 (c) r/w. 20(b (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The deceased committed suicide. The information was provided to the Police on 29.11.2023 about the said suicide. The Police registered the crime under Section 174 Cr.P.C. for suspicious death. Thereafter, during the course of investigation, L.W.4 who is a friend of the deceased informed the Police that this petitioner was responsible for taking photographs of L.W.4 and the deceased in semi nude position in their apartment. Thereafter, the petitioner started threatening the deceased saying that he would make the said photographs viral. On the basis of the said

version given by L.W.4, Section of law was altered to Sections 306, 354(c) and 506 of IPC.

4. The petitioner was arrested and remanded to judicial custody on 06.12.2023. Thereafter, he was also given Police custody by the concerned Magistrate. After two days of Police custody, the petitioner was again remanded to judicial custody.

5. Learned counsel appearing for the petitioner would submit that at the time of lodging the complaint, nothing is stated against the petitioner. However, on 05.12.2023 on the version of L.W.4, the petitioner was arrested and remanded to judicial custody. The version of L.W.4 has no basis since nothing was recovered from the petitioner during investigation. To attract an offence under Section 306 of IPC, there has to be active abetment for commission of suicide.

6. On the other hand, learned Additional Public Prosecutor would submit that case is still under investigation.

7. The basis for committing suicide by the deceased according to the remand report is act of the petitioner taking photographs and threatening to make them viral. Admittedly, no such photographs were found during investigation.

8. In the said circumstances, when the very basis of suicide are the alleged photographs which are not found by the Police, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:-

i) The petitioner/Accused shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, for a like sum each to the satisfaction of the XIV Additional Chief Metropolitan Magistrate, at Hyderabad.

ii) The petitioner/Accused after release shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of four weeks for the purpose of investigation and thereafter, as and when required.

iii) The petitioner/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

9. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 29.12.2023
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CRIMINAL PETITION No.12733 of 2023
Dt.29.12.2023

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