

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.11891 OF 2022

ORDER:

This Criminal Petition is filed by the petitioners / accused No.3 and 5 under Section 437 and 439 of the Criminal Procedure Code seeking regular bail in Crime No.178 of 2022 of Station House Officer, Pochampally Police Station, registered for the offences under Sections 498-A and 306 read with Section 34 of the Indian Penal Code.

2. Heard Sri V. Ravi Kiran Rao, learned Senior Counsel appearing on behalf of Sri V.Rohith, learned counsel for the petitioners / accused No.3 and 5 as well as Sri T.V. Ramana Rao, learned Additional Public Prosecutor for the Respondent / State and perused the record.

3. As per the remand report, the petitioners / accused No.3 and 5 are brother-in-law and co-sister of the deceased. According to the prosecution, the marriage of the deceased was taken place about 9 years ago with accused No.1, subsequent to the marriage, the deceased's husband accused No.1 allegedly started harassing her physically and

mentally everyday in drunken condition and he used to demand the deceased to bring money. Other people in the family including the petitioners and mother-in-law of the deceased used to support the accused No.1. A panchayat was also held but nothing has come out fruitful. About 6 months prior to the death of the deceased, the deceased left to her parents place even then it is alleged that her husband and others used to harass over phone. On 06.12.2022 the deceased committed suicide at 05:00 AM., by hanging leaving a suicide note.

4. Learned Senior Counsel appearing for the petitioners submitted that the petitioners are no way connected with the death of the deceased. There are no allegations leveled against the petitioners either in FIR or in Remand report. They are not residing in the house where the deceased and accused No.1 were residing. It is also further submitted that there is no material to show that the petitioners have abated the death of the deceased and hence offence under Section 306 of the Indian Penal Code is not attracted.

5. Learned Additional Public Prosecutor for the State submitted that the petitioners were residing in the same house and they also joined others in harassing the deceased on account of which she has vexed with life and committed suicide.

6. As per the remand report, complaint and the suicide note, nothing has been attributed against the petitioners in respect of abatement of suicide. In the suicide note written in Telugu, the deceased has mentioned that on account of harassment by her husband and mother-in-law, she is committing suicide. The deceased has not mentioned the names of the petitioners in the suicide note.

7. Considering the circumstances, as nothing is placed before this Court to see that the petitioners have abated the deceased to commit suicide and that 11 witnesses were already examined by the Investigating Officer and on considering the nature of offence and stage of investigation, this Court is of the opinion that the petitioners/accused No.3 and 5 are entitled for grant of bail.

8. Accordingly, the Criminal Petition is allowed and the petitioners/accused No.3 and 5 are granted bail subject to the following conditions:

i) The petitioners/accused No.3 and 5 are directed to be released on bail on their executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum by each of the petitioners/accused No.3 and 5 to the satisfaction of the learned Judicial First Class Magistrate at Choutuppal, Yadadri-Bhongir District.

ii) The petitioners/accused No.3 and 5 shall abide by the other conditions stipulated in Section 437(3) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications in this matter, if any, shall stand closed.

Date: 04-Jan-2023
KHRM

DR. D.NAGARJUN, J

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.11891 OF 2022

Date: 04-Jan-2023
KHRM