

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.11941 OF 2022

ORDER:

This Criminal Petition is filed by the petitioners / accused No.1 and 3 under Section 438 of the Criminal Procedure Code seeking pre-arrest 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.

02. Heard Sri V. Ravi Kiran Rao, learned Senior Counsel appearing on behalf of Sri V.Rohith, learned counsel for the petitioners / accused No.1 and 3 as well as Sri T.V. Ramana Rao, learned Additional Public Prosecutor for the Respondent / State and perused the record.

03. 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.

04. Learned Senior Counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence and the second petitioner's marriage was performed and she has been residing with her in-laws' place in different house and there are no allegations leveled against the petitioners.

05. Learned Additional Public Prosecutor for the State has submitted that the investigation is not completed and that on account of harassment meted out by the petitioner / accused No.1 and other family members including the second petitioner herein, the deceased has committed suicide by leaving suicide note.

06. As seen from the record, this Court has granted regular bail to the petitioners/accused No.3 and 5 vide Criminal Petition No.11891 of 2022 dated 04.01.2023 as nothing was attributed against them. In the case on hand, as seen from the investigation done so far, there are serious allegations against the petitioner/accused No.1 who is none other than husband of the deceased. It is alleged that the petitioner/accused No.1 used to harass the deceased physically and mentally.

07. Learned Senior Counsel appearing on behalf of the petitioners has submitted that in the suicide note, she has specifically mentioned that reason for disputes between herself and her husband is her mother-in-law. That means, it is clear that her husband i.e., petitioner/accused No.1 has been harassing her physically and mentally which culminated to her death.

08. In so far as the second petitioner who is sister-in-law of the first petitioner is concerned, she has been residing in a separate house along with her family members. Even otherwise six months prior to her death the deceased has left

the house of the first petitioner and started living with her parents house. Therefore, it cannot be said that the second petitioner has abated the deceased to commit suicide.

09. Considering the circumstances explained, though the petitioner/accused No.1 who is husband of the deceased is not entitled for grant of anticipatory bail, the second petitioner/accused No.3 is entitled for grant of anticipatory bail.

10. Accordingly, the Criminal Petition is allowed in part. The petition in so far as the first petitioner/accused No.1 is dismissed. The petition in so far the second petitioner / accused No.3 is allowed subject to the following conditions:

(i) The second petitioner/accused No.3 is directed to surrender before the Station House Officer, Pochampally Police Station, within one week from today, and on such surrender, the second petitioner/accused No.3 shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two

sureties for a likesum each to the satisfaction of the Station House Officer, Pochampally Police Station.

ii) The second petitioner/accused No.3 shall abide by the other conditions stipulated in Section 438 (2) of the Criminal Procedure Code.

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

Date: 09-Jan-2023
KHRM

DR. D.NAGARJUN, J

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