

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2066 OF 2024

ORDER:

This criminal petition is filed by the petitioner Nos.1 to 3-Accused Nos.1 to 3 under Section 438 Cr.P.C. for grant of anticipatory bail in Crime No.16 of 2024 on the file of the Station House Officer, Marpally Police Station, Marpally Mandal, Vikarabad District, registered for the offence under Section 306 r/w 34 of Indian Penal Code (for short 'IPC').

2. During the course of hearing, the learned counsel for the petitioners submitted that petitioner Nos.1 and 2 - accused Nos.1 and 2 were arrested on 24.02.2024 and were produced before the Court. As such, he is not pressing the bail application of the petitioner Nos.1 and 2 – accused Nos.1 and 2.

3. The case of the prosecution in brief was that on 17.02.2024, at 13.00 hours, the defacto complainant – the father of the deceased, lodged a report stating that his elder son was married to Lambadi Susmitha two years ago. After marriage, his daughter-in-law (A1) frequently quarreled with his son and her parents (A2 and A3) also abused and insulted him. Due to which, a panchayat was conducted, but the petitioner Nos.1 to 3 – accused Nos.1 to 3 did not change their behavior. On 09.02.2024, his daughter-in-law went to her parents house. After that, the petitioner Nos.1 to 3 –

accused Nos.1 to 3 continuously harassed and abused the complainant's son over phone. On 12.02.2023, at 16:20 hours, the complainant's son returned from his duty and on his way, near Kothlapur Village, he consumed some unknown poison. On the information given by the maternal uncle of the deceased, the defacto complainant came to know about the incident and took the deceased to Marpally Government Hospital for treatment. While undergoing the treatment, the complainant's son died on 16.02.2024 at 23:37 hours. Basing on the said report, the above crime was registered under Section 306 r/w 34 of IPC.

4. Heard learned counsel for the petitioner No.3 - accused No.3 and the learned Additional Public Prosecutor.

5. Learned counsel for the petitioner No.3 – accused No.3 submitted that the deceased and accused No.1's marriage was performed in the year 2022 and it was an arranged marriage. They migrated to the outskirts of Hyderabad to take up petty jobs to sustain their livelihood. They had a few arguments and fights as every married couples do. The deceased used to return home in inebriated condition and used to physically abuse petitioner No.1 - accused No.1. As such, the petitioner No.1 – accused No.1 called her parents to her home to support her. They complied with their daughter's request and took her away from the deceased. The

deceased was alone for three whole days before choosing to consume the poison. The petitioner Nos.1 to 3 – accused Nos.1 to 3 had nothing to do with the death of the deceased. The petitioner Nos.1 to 3 - accused Nos.1 to 3 were implicated out of grudge by the defacto complainant and prayed to grant anticipatory bail to the petitioner No.3 – accused No.3.

6. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner No.3 – accused No.3.

7. Perused the record.

8. Considering that no suicide note was left by the deceased or no dying declaration of him was recorded, though he was in the hospital from 12.02.2024 to 16.02.2024 and the police report given by the defacto complainant also would not disclose that the petitioner No.3 – accused No.3 abused or threatened the deceased, prior to his committing suicide or abetted him to commit suicide in any manner and considering that the petitioner No.3 – accused No.3 is a woman, it is considered fit to enlarge the petitioner No.3 – accused No.3 on anticipatory bail on certain conditions.

9. In the result, the Criminal Petition is allowed and the petitioner No.3 – Accused No.3 is granted anticipatory bail, subject to the following conditions:

- (i) The petitioner No.3-accused No.3 is directed to surrender before the Station House Officer, Marpally Police Station, Marpally Mandal, Vikarabad District within a period of fifteen (15) days from today, and on such surrender, the said Station House officer shall release the petitioner on bail on her executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two sureties for a like sum each to the satisfaction of said Station House Officer.
- (ii) The petitioner No.3 – accused No.3 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

February 26, 2024

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THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2066 OF 2024

Dt:26-02-2024

sa/vsl