

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2687 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A1 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of her arrest in Crime No.282 of 2023 on the file of PS Madikonda, Warangal District, registered for the offence punishable under Section 305 read with Section 34 of IPC.

2. The case of the prosecution in brief was that on 03.12.2023 at 13:30 hours, the de-facto complainant – the father of the deceased girl lodged a report in the Police Station stating that his daughter was studying 10th class in Fathima Girls High School at Kazipet. About a week back, his daughter's classmate's mother i.e. the petitioner herein went to the school and abused his daughter in filthy language alleging that due to his daughter, her daughter was also being spoilt. Again on 28.11.2023 evening at 05:00 PM, when his daughter was at Battupally chowrasta, the petitioner along with A2 abused his daughter, due to which, she felt insulted and committed suicide on 03.12.2023 at 08:30 AM.

3. Basing on the said report, the above crime was registered for the above offence against A1 and A2.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioner submitted that the alleged incident took place on 28.11.2023 but the deceased was alleged to have committed suicide on 03.12.2023. There was no proximity between the alleged abuses made by the petitioner and A2, and the act of committing suicide by the deceased on 03.12.2023. A2 was arrested and released on bail and prayed to enlarge the petitioner on anticipatory bail in the event of her arrest.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the petitioner abused the deceased due to which, she felt insulted and committed suicide and as such the petitioner was not entitled for anticipatory bail.

7. Perused the record.

8. As the contents of the report given by the de-facto complainant would not disclose that the petitioner instigated the deceased to commit suicide or incited or persuaded her for committing suicide attracting the offence under Section 305 of IPC and the words spoken by a person in a fit of anger or emotion blaming the girl as responsible for spoiling the conduct of her daughter would not amount to abetting the deceased to commit suicide and as there is no proximity between the act of the alleged abuses made by the petitioner as well

as the act of committing suicide by the deceased and no suicide note was left by the deceased stating the reason for her taking the extreme step, it is considered fit to grant anticipatory bail to the petitioner – A1 on certain conditions.

9. In the result, the Criminal Petition is allowed and the petitioner – A1 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – A1 is directed to surrender herself before the Station House Officer of PS Madikonda, Warangal District within a period of (15) days from the date of this order, and on such surrender, the SHO of PS Madikonda, Warangal District shall release the petitioner – A1 on bail on her executing a personal bond for Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner – A1 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 15th March, 2024
Nsk.