

**THE HONOURABLE DR.JUSTICE G.RADHA RANI**

**CRIMINAL PETITION No.2764 OF 2024**

**ORDER:**

This Criminal Petition is filed by the petitioner-Accused under Section 438 of Cr.P.C. for grant of anticipatory bail in Crime No.324 of 2023 of Tappachbutra Police Station, Hyderabad, registered for the offences punishable under Sections 306 and 420 of IPC.

2. The case of the prosecution, in brief, was that on 18.12.2023 at 16:30 hours, the *de-facto* complainant, the sister of the deceased lodged a report stating that her younger sister committed suicide in the house by hanging herself to a ceiling fan. She stated that for the last few months her parents were quarrelling, keeping that in mind her sister might have committed suicide. Basing on the said report, the above crime was registered initially under Section 174 of Cr.P.C. and subsequently, after a period of two months i.e., on 16.02.2024, the Section of law was altered from Section 174 of Cr.P.C. to Sections 306 and 420 of IPC, basing on the statements of the parents of the deceased and the *de-facto* complainant. They stated that they came to know from the friends of the deceased that the deceased got acquainted with one Shiva (petitioner herein) through Instagram for the past three years and they both fell in love and Shiva used to take money from her but never repaid on the pretext of love. Four months prior to her death, they

both quarreled on the issue of their marriage. Whenever, the deceased asked Shiva for marriage, he used to postpone the same and quarrel with her. On 16.12.2023, the deceased and Shiva went to their friend, Uday at Icon Hospital, Dilsukhnagar, where the deceased and Shiva quarreled over the marriage issue, but Uday pacified them and sent them. On the next day, i.e., on 17.12.2023, again the deceased met Shiva and they continued to quarrel, Shiva said that he did not like her and he would not marry her and abused her in filthy language. Then, the deceased left the place stating that she would die and on the same day, she went to her friend, Priyanka and informed the same to her and stated that she was not intending to live and stayed with her during the night and on the next day i.e., on 18.12.2023 morning hours, the deceased came to her residence and committed suicide. Basing on such statements, the SI of Police, Tappachabutra Police Station, Hyderabad altered the Section of law from Section 174 of Cr.P.C. to Sections 306 and 420 of IPC.

3. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner submitted that even after going through the statements of witnesses, there was no abetment made by the petitioner to the deceased to commit suicide. To attract the offence under Section 306 of IPC, it

was necessary to instigate the person to commit suicide, but there was no whisper at all about the instigation made by the petitioner to the deceased to commit suicide. Section 420 of IPC also would not attract to the petitioner as the statements of the witnesses and the investigation of the police would not even disclose about any inducement made to the deceased by the petitioner and prayed to grant anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the petitioner committed cheating by promising to marry the deceased but failed to keep up his promise, due to which the deceased committed suicide which would amount to abetment and prayed to dismiss the petition.

6. Perused the record.

7. Considering the statements of the witnesses recorded by the Police, as none of these statements would disclose that the petitioner had instigated the deceased to commit suicide or provoked her or abetted her to commit suicide and that they would only disclose that he refused to marry her which would not amount to abetment as defined under Section 109 of IPC to attract the ingredients of the offence under Section 306 of IPC and as Section 420 of IPC also would not *prima-facie* appear to attract, it is considered fit to grant anticipatory bail to the

petitioner with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner is directed to surrender before the Station House Officer, Tappachbutra Police Station, Hyderabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.
- 2) The petitioner/accused shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 13.03.2024

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**Dr. G. RADHA RANI, J**