

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2971 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on regular bail in Crime No.57 of 2024 on the file of Golconda Police Station, Hyderabad District, registered for the offences punishable under Sections 306 and 498-A of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 16.02.2024 at 16:30 hrs, the *de facto* complainant lodged a report stating that the deceased was his Cousin Sister, her marriage was performed with the petitioner/accused in the year 2016. Later, the petitioner/accused got married another woman without the consent of the deceased and kept her at his own house and shifted the deceased to a rented house. Whenever the deceased was asking for own house, the petitioner/accused was not responding to the same, due to which the deceased committed suicide by hanging herself.

3. Basing on the said report, the above crime was registered against the petitioner/accused for the offences punishable under Sections 306 and 498-A of IPC and the petitioner/accused was arrested on 18.02.2024.

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

5. Learned counsel for the petitioner/accused submitted that there were absolutely no ingredients to attract the offence under Section 306 of IPC. The petitioner/accused had not instigated or abetted the deceased to commit suicide. The remand case diary of the petitioner was silent about the petitioner abetting or instigating the deceased to commit suicide. The offence under Section 498-A of IPC was punishable for a maximum term of three (03) years of imprisonment. As such, prayed for grant of bail for the petitioner/accused.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/accused.

7. Perused the record.

8. Considering that the ingredients of the remand case diary of the petitioner/accused would only disclose that the petitioner/accused stated to the deceased that he would not bother even if she committed suicide and the said words would not amount to any instigation or inducement or abetment to attract the offence under Section 306 of IPC and as rightly contended by the learned counsel for the petitioner as the offence under Section 498-A of IPC is punishable with a maximum term of three years, it is considered fit to enlarge the petitioner/accused on bail.

9. Accordingly, the Criminal Petition is allowed directing the petitioner/accused to be released on regular bail subject to the following conditions:

- i) The petitioner/Accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned XVII Additional Chief Metropolitan Magistrate, Hyderabad.
- ii) The petitioner/Accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:18.03.2024
dgr

Dr. G.RADHA RANI, J