

THE HONOURABLE Dr. JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3036 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 enlarge him on regular bail in Crime No.68 of 2024 on the file of the Station House Officer, Attapur Police Station, Cyberabad Commissionerate, registered for the offence punishable under Section 306 of Indian Penal Code (for short 'IPC').

2. The case of the prosecution in brief was that on 28.01.2024 at 06.50 hours, the brother of the deceased woman lodged a report stating that his elder sister by name Aditi Bharadwaj (34 years of age) was an I.T.employee in Regalic Private Limited, Nanakramguda, and she married one Rahul Shenoy, but due to misunderstandings between them they were separated in the year, 2019. Two years ago, she developed acquaintance with her colleague, the accused Mohammed Ahmed Ali, aged 31 years (the petitioner herein) and was living along with him on his assurance that he would marry her. She also converted her religion into Islam community and changed her name as Aiza Fatima on 07.01.2023 and that they both were residing together at Flat No.504 of Happy Homes Fortuna Apartment,

Attapur, and decided to marry each other on 12.02.2024. On 14.12.2023 she was admitted in hospital due to ill-health. The Duty Doctor told that she was carrying two months of pregnancy and the baby's heart beat was abnormal. On 28.01.2024, at about 1.30 hours, the *de-facto* complainant received a phone call from the petitioner herein, that due to distress his sister committed suicide by hanging herself at 1.15 hours. Immediately, the complainant went to her residence and found his sister dead. As she had a cut bleeding injury at her left hand, he expressed suspicion behind his sister's death. Basing on the said report, the complaint was registered initially under Section 174 Cr.P.C. and subsequently, the Section of Law was altered to 306 I.P.C.

3. Heard learned counsel for the petitioner-Accused and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner-Accused submitted that the deceased felt mental agony with regard to her pregnancy and committed suicide, there was no allegation of abetment to commit suicide against the petitioner, there was no proof with regard to the allegation that the petitioner-Accused had married another woman and on coming to know that the deceased committed suicide. He further submitted that the

petitioner was an I.T. Professional, if the petitioner had not reported to his job, he would lose his job and prayed to enlarge the petitioner on bail.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioner–Accused stating that as per the remand report of accused and as per the investigation conducted by the Police, the petitioner got married another woman on 15.12.2023 without the knowledge of the deceased and on coming to know about the same, the deceased questioned the accused about his acts and that the accused assured the deceased that he would marry her as his second wife, upon which the deceased felt mental agony and committed suicide on 28.01.2024 at about 1.15 hours in her Flat by hanging herself with chunni, as such, the petitioner was not entitled to be released on bail.

6. Perused the record.

7. Considering that the complaint or the remand report would not disclose that the petitioner had abetted the deceased to commit suicide or that he had instigated her or aided in any manner to commit suicide and no suicidal note was even left by the deceased intimating the reason for her committing suicide and the refusal to marry alone cannot be considered as

an abetment and as the petitioner was in custody since 31.01.2024, it is considered fit to enlarge him on bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner-Accused shall be enlarged on regular bail subject to the following conditions:

(i) The petitioner-Accused shall execute a personal bond for Rs.25,000/- (Rupee Twenty Five Thousand Only) with two sureties for a like-sum each to the satisfaction of the XI Additional Metropolitan Magistrate, Cyberabad, at Rajendranagar.

(ii) The petitioner-Accused shall comply with the conditions stipulated under Section 437(3) of Cr.P.C. and shall appear before the trial Court on all the dates as and when his presence is required.

Pending Miscellaneous Applications, if any, in this Criminal Petition, shall stand closed.

Date: 19.03.2024

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Dr.G.RADHA RANI, J