

THE HONOURABLE Dr. JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3007 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners-Accused Nos.1 and 2 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to enlarge them on regular bail in Crime No.16 of 2024 on the file of the Station House Officer, Marpally Police Station, Vikarabad District, registered for the offence under Section 306 read with Section 34 of Indian Penal Code (for short 'IPC').

2. The case of the prosecution in brief was that on 17.02.2024, at 13.00 hours, the *de-facto* 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 the parents of A1 (A2 and A3) also abused and insulted his son. Due to which, a panchayat was conducted, but the petitioners–accused Nos.1 and 2 and accused No.3 did not change their behaviour. On 09.02.2024, his daughter-in-law went to her parents' house. After that, the petitioners–accused Nos.1 and 2 continuously harassed and abused the *de-facto* complainant's son over phone. On 12.02.2023, at 16:20 hours, the *de-facto* 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 *de-facto* complainant came to know about the incident and took the deceased to Marpally Government Hospital for treatment. While undergoing the treatment, the *de-facto* 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 read with Section 34 of IPC and the petitioners-accused Nos.1 and 2 were arrested on 24.02.2024.

3. Heard learned counsel for the petitioners - accused Nos.1 and 2 and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioners – accused Nos.1 and 2 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 couple do. The deceased used to return home in inebriated condition and used to physically abuse petitioner No.1 - accused No.1. As such, 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 petitioners-accused Nos.1 and 2 had nothing to do with the death of the deceased. The petitioners-accused Nos.1

and 2 were implicated out of grudge by the *de-facto* complainant and prayed to enlarge the petitioners-accused Nos.1 and 2 on bail.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioners-accused Nos.1 and 2.

6. Perused the record.

7. 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 *de-facto* complainant also would not disclose that the petitioners-accused Nos.1 and 2 abused or threatened the deceased, prior to his committing suicide or abetted him to commit suicide in any manner and considering that petitioner No.1-accused No.1 is a woman and petitioner No.2-accused No.2 was her father, it is considered fit to enlarge the petitioners-accused Nos.1 and 2 on bail.

8. Accordingly, the Criminal Petition is allowed and the petitioners/accused Nos.1 and 2 shall be enlarged on regular bail subject to the following conditions:

- (i) The petitioners/accused Nos.1 and 2 shall execute a personal bond for Rs.15,000/- (Rupee Fifteen Thousand Only) with two sureties for a like-sum each to the satisfaction of the Additional Judicial Magistrate of First Class, Vikarabad.

(ii) The petitioners/accused Nos.1 and 2 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 when their presence is required.

9. 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