

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3187 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.1 and 2 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release them on anticipatory bail in Crime No.52 of 2024 of Dammapeta Police Station, Bhadradi Kothagudem District, registered for the offence punishable under Section 306 read with 34 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 22.02.2024 at 9:00 hours, the *de facto* complainant/mother of the deceased lodged a report before the police stating that her daughter was aged about 24 years, On 21.02.2024 at 10:00 A.M while she was going to the house of her father, the petitioners who also belonged to the same village herein stopped her daughter in front of her father’s house and informed her that the marriage of one K.Chaithanya was fixed and asked her not to interfere in his

marriage. Though her daughter informed them that she had nothing to do with Chaithanya, the petitioners abused and insulted her and threatened to kill her if she interferes in the marriage of Chaithanya. On 22.02.2024 at 09:00 hours when she was away from home, her daughter consumed pesticide poison and committed suicide. She was admitted in Dammapeta Government Hospital and after First Aid brought to Aswaraopeta Government Hospital. While undergoing treatment at Arka private hospital, Khammam, she died on 23.02.2024 at 02:41 P.M. The mother of the deceased asked the police to take action against the petitioners herein in the matter of her daughter committing suicide. Basing on the said report, the above crime was registered against the petitioners/accused Nos.1 and 2 for the offence punishable under Section 306 read with 34 of IPC.

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

4. Learned counsel for the petitioners/accused Nos. 1 and 2 submitted that the ingredients of Section 306 of IPC were absent, there was no abetment or instigation on the part of the petitioners in committing the suicide by the deceased. The petitioners were apprehending their arrest and prayed for grant of anticipatory bail.

5. Learned Additional Public Prosecutor submitted that Accused No.1 was involved in six cases, he was a rowdy sheeted of Dammamet Police Station, in view of the insult caused by Accused Nos.1 and 2, the deceased committed suicide. As such, prayed to dismiss the bail application of the petitioners.

6. Perused the record.

7. Considering that the complaint would not disclose any words uttered by the petitioners herein instigating the deceased to commit suicide or that they have abetted her in any manner to commit the suicide except stating that they have insulted her for having illicit relationship with one Chaithanya

and asking her not to interfere in his marriage, due to which, feeling insulted, she committed suicide and the ingredients of Section 306 of IPC *prima facie*, would not attract and the criminal antecedents of accused No.1 is not having any relevancy to this case, it is considered fit to enlarge the petitioners/accused Nos.1 and 2 on anticipatory bail.

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

- i) The petitioners-Accused Nos. 1 and 2 are directed to surrender before the Station House Officer, Dammapeta Police Station, Bhadradi Kothagudem District, within a period of (15) days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the

satisfaction of the said Station House Officer.

- ii) The petitioners/Accused Nos. 1 and 2 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:01.04.2024
dsv/dgr

Dr. G.RADHA RANI, J