

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3311 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners-accused Nos.2 to 4 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) for grant of anticipatory bail to them in the event of their arrest in Crime No.1 of 2024 dated 05.01.2024 on the file of the Station House Officer, Cherla Police Station, Bhadradri-Kothagudem District, registered for the offence punishable under Section 306 read with 34 of IPC.

2. The case of the prosecution in brief was that on 05.01.2024 at 10.00 hours, the *de-facto* complainant, the son of the deceased lodged a report stating that his brother took loan from Chola Finance on EMI basis and purchased a harvester machine, but could not pay the installments, as such, on 04.01.2024 at 16.15 hours, the employees belonging to Chola Finance Company came along with a trolley lorry, abused his father, who was working there along with the driver of the harvester machine regarding the unpaid EMI installments of Harvester machine and forcefully took the harvester machine in the lorry. Feeling insulted, his father consumed the insecticide poison, which was available in the fields and the driver on the harvester machine informed the complainant over phone. The complainant immediately proceeded to the said place and took his father to the Primary

Health Centre, Satyanarayanapuram and after first aid, shifted him to Bhadrachalam Government Area Hospital, but his father died while undergoing treatment, on the same night at 21.00 hours. Basing on the said report, a case was registered initially under Section 174 of Cr.P.C. and subsequently, a memo for alteration of Section of law was filed and altered to Section 306 read with 34 of IPC. A1 was arrested on 26.02.2024.

3. Heard the learned counsel for the petitioners-A2 to A4 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners were working at Cholamandalam Finance Company and they were having no relationship with the father of the *de-facto* complainant. It was the brother of the *de-facto* complainant by name, Komaram Prashanth, who took a loan from the finance company for purchasing paddy cutting machine and there was a default on his part. As part of their duties entrusted by the finance company, the petitioners along with A1 went to the agricultural land of the complainant on 04.01.2024 and brought the harvester machine in the trolly lorry. There was no provocation or instigation on the part of the petitioners in committing suicide by the deceased and prayed to enlarge the petitioners on anticipatory bail.

5. Learned Additional Public Prosecutor submitted that the names of the petitioners 2 and 3 were not found in the FIR or stated by A1 in his confession, but as per the remand report, the petitioner No.1-A2 had abused the deceased for not paying the installments, due to which, the deceased felt insulted and committed suicide, as such, the petitioner No.1-A2 was not entitled to be released on anticipatory bail.

6. Perused the record. Considering that the complaint or the remand report of A1 would not disclose the petitioners instigating or inducing the deceased to commit suicide and they had only taken the harvester machine against which the son of the deceased had obtained loan and was unable to pay the installments and demanding to repay the loan amount or taking the hypothecated goods on inability to pay the loan amount cannot be considered as instigation or provocation to commit suicide and as the petitioners could not be made responsible for the death of the deceased, it is considered fit to enlarge the petitioners on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioners shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners are directed to surrender before
the Station House Officer, Cherla Police Station,

Bhadradri-Kothagudem, 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) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- 2) The petitioners shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 28, 2024
ss

Dr. G.RADHA RANI, J