

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3681 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking anticipatory bail to the petitioners-Accused Nos.1 to 3 in Crime No.142 of 2024 dated 13.03.2024 on the file of KUC Police Station, Warangal District, registered for the offence punishable under Section 306 read with 34 of Indian Penal Code (for short ‘IPC’).

2. The case of the prosecution in brief was that on 13.03.2024 the wife of the deceased lodged a report about her husband missing and the same was registered as F.I.R No.142 of 2024 as ‘man missing’ initially. Two days later when the dead body was found floating in Mylaram Reservoir, the S.I identified the dead body as that of the missing person. He found a suicide note in the pant of the deceased. It was stated therein that his brother and the son’s of his brother i.e. the petitioners herein were due some amounts to him and had not re-paid the said amounts, due to which he committed the suicide. Basing on it, the Section of Law was altered from ‘man missing’ to Section 306 read with 34 of IPC.

3. Heard the learned counsel for the petitioners-A1 to A3 and the learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioner No.1 and the deceased were together been into saree business for the past 10 years and the accounts were maintained by the deceased. The deceased had shown losses in the business and the financial liability had been shifted on the petitioner No.1. The petitioner No.1 owed an amount of Rs.6 lakhs to the deceased towards his share in the losses incurred in the joint saree business. The petitioner No.1 was willing to repay the debt that he owed to the deceased but he himself was in a financially tight situation and sought time for repayment of the money. Though, there were minor differences due to financial reasons they maintained a cordial relationship. The petitioner Nos.2 and 3 were no way involved in the saree business of the deceased and the petitioner No.1 or in any financial transactions with the deceased. The deceased and his children were financially well settled, out of the three children, two of them permanently settled in U.S.A and South Africa and the other one returned from U.S.A and settled in India. Though, the deceased incurred few debts in the normal course of business, he did not have any financial problems which threatened his very subsistence and going to the extent of taking the extreme step of committing suicide. The

deceased had psychological fragility and was in a vulnerable state. He had a history of going away from the family and threatening to commit suicide. Earlier also a case in Cr.No.27 of 2022 was registered under 'man missing' when the deceased left the family threatening to commit suicide on 18.01.2022 and prayed to enlarge the petitioners on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that the deceased had named the petitioners as the reason for his committing suicide. He also stated that an amount of Rs.8,50,000/- was due from the petitioner No.1/A1 and an amount of Rs.2,50,000/- was due from the petitioner No.2/A2 and an amount of Rs.50,000/- was due from the petitioner No.3/A3. As such, they were not entitled to be enlarged on anticipatory bail.

6. Perused the record. Considering that the suicide note would not disclose any abetment to commit suicide by the petitioners herein and it would only specify that some amounts were due by the petitioners herein to the deceased, due to which he committed suicide and the same was not sufficient to attract the ingredients of the offence under Section 306 of IPC, it is considered fit to enlarge the petitioners-A1 to A3 on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioners - accused Nos.1 to 3 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners - Accused Nos.1 to 3 are directed to surrender before the Station House Officer, KUC Police Station, Warangal 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.
- 2) The petitioners - Accused Nos.1 to 3 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dated: April 08, 2024
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Dr. G.RADHA RANI, J