

THE HONOURABLE Dr.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3782 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking anticipatory bail to the petitioners-Accused Nos.1 to 3 in Crime No.254 of 2024 on the file of the Station House Officer, L.B. Nagar Police Station, Rachakonda, registered for the offence under Section 306 IPC.

2. The case of the prosecution in brief was that on 26.02.2024 at 7.10 hours, the de facto complainant lodged a report before the P.S., stating that his brother consumed acid on 22.02.2024 at 8.00 AM at his house and he admitted him in Healthcare Hospital and while undergoing treatment his brother died on 25.02.2024 between 9.00 AM to 10.00 AM. The de facto complainant stated that the marriage of the deceased was performed with one Vineetha and they were having a child of one and half years old. But, since the time of his marriage, the deceased was unhappy as his brother-in-law, the wife of his brother-in-law and the sister of his wife harassed him mentally. Basing on the said report, the above crime was registered.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

4. The learned counsel for the petitioners submitted that the petitioners were falsely roped in the case. No report was lodged by the wife of the deceased or against her with regard to the incident dated 22.02.2024. In fact, the deceased himself used to harass his wife Vineetha for additional dowry. The wife of the deceased was the younger sister of the petitioner No.1 and the said Vineetha had given a complaint against the deceased before P.S. Nakrekal due to his harassment. The police counseled the deceased. Later the deceased committed suicide by drinking Acid. The petitioners were no way connected with the alleged offence. The petitioner No.1-A1 was the sole bread winner of his family. The petitioner No.3-A3 was a widow having small children and she was the only bread winner of her family. No specific allegations were made against the petitioners and prayed to grant anticipatory bail to the petitioners.

5. Learned Assistant Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that the names of the petitioners were stated by the de facto complainant in his report

alleging that they were responsible for the death of the deceased. Due to their harassment only, the deceased consumed acid and committed suicide, as such, they were not entitled to be granted anticipatory bail.

6. Perused the record. Considering that the complaint would not disclose any abetment or inducement or instigation made by the petitioners herein to the deceased to commit suicide and the ingredients of Section 306 IPC *prima facie* would not appear to attract, it is considered fit to grant anticipatory bail to the petitioners on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioners-A1 to A3 are granted anticipatory bail subject to the following conditions:

1. The petitioners-Accused Nos.1 to 3 are directed to surrender themselves before the Station House Officer, L.B. Nagar Police Station, Rachakonda, within a period of (15) days from the date of this order and 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-A1 to A3 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

April 08, 2024
KTL

Dr. G.RADHA RANI, J