

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3920 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.3 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), for grant of anticipatory bail in the event of his arrest in Crime No.180 of 2024 on the file of Nagole Police Station, Rachakonda District, registered for the offences punishable under Sections 306, 448, 504, 506 read with 34 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 31.03.2024 at 19:00 hours, the wife of the deceased lodged a report before the police stating that her husband committed suicide in the house in their absence. As per the suicide note written by her husband one Bhagya and her husband and the present petitioner herein who was a B.J.P Corporator came to their residence, quarreled with her husband and defamed him publicly by damaging his reputation in the colony due to financial issues and her husband panicked and disturbed by their behavior died by hanging himself due to mental harassment caused by them. Basing on the said report, the above

crime was registered.

3. Heard the learned counsel for the petitioner-Accused No.3 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner-accused No.3 submitted that the petitioner was a member of Bharatiya Janatha Party (BJP) and was elected as GHMC Corporator from Gaddi Annaram Division in the year 2021. The petitioner was approached by one Mrs.Bhagya (who was arrayed as accused No.1), who lives within the vicinity of Gaddi Annaram Division and the said person has informed that one Mr.C.Balavardhan Reddy (the deceased), has been cheating various persons by collecting amounts from them under the guise of providing job opportunities but failed to fulfill his promises and accused No.1 had additionally paid an amount of Rs.2,30,000/- to the deceased for the purpose of purchasing a car but the deceased failed to purchase the said car and utilized the said funds for his personal purpose. Accused No.1 also stated to the petitioner that the deceased tried to make sexual advances with her and requested the intervention of the petitioner. As such, the petitioner along with several other

victims who incurred monetary losses approached the residence of the petitioner on 30.03.2024 and demanded justice for the victims by repayment of their money. The petitioner neither threatened nor abused him in any manner nor abetted him to commit suicide and prayed for grant of anticipatory bail to the petitioner-accused. He also relied upon the judgment of the Hon'ble Apex Court in ***Gangula Mohan Reddy Vs. State of Andhra pradesh***¹ and in ***M.Mohan Vs. State represented by the Deputy Superintendent of Police***².

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner-accused stating that the deceased stated the name of the petitioner in his suicide note and that due to his threatening that he would implicate him in a rape case without any fault of him and afraid of the political power of the petitioner herein who was working as a Corporator, the deceased committed suicide. He also further reported that 10 other cases were pending against the petitioner herein.

6. Perused the record.

7. The contents of the complaint and the suicide note

¹ (2010) 1 SCC 750

² (AIR 2011 SC 1238)

would not disclose any abetment or instigation or inducement committed by the petitioner herein to the deceased to commit suicide.

As per the judgment of the Hon'ble Apex Court in ***Gangula Mohan Reddy Vs. State of Andhra Pradesh***, (supra) it was held that:

“Admittedly, the allegation in the FIR is of deceased having borrowed money from the present applicant. The deceased failed to repay the amount with interest. The applicant was constantly demanding the money and alleged to have threatened the deceased. Such act of demanding the repayment of money would not bring case within the meaning of Section 306 of the Indian Penal Code. There would not be any mens rea of the applicant as he would not benefitted from the act of suicide of the deceased and thus, prima facie the allegation in the FIR, taken at its face value do not prima facie constitute any offence or make out a case against the accused.”

As the offence under Section 306 of IPC is *prima facie* not applicable and as the other offences were punishable with imprisonment for less than seven (07) years, it is considered fit to enlarge the petitioner on anticipatory bail.

8. Accordingly, the Criminal Petition is allowed directing the petitioner/accused No.3 to be released on anticipatory bail subject to the following conditions:

- i) The petitioner-Accused No.3 is directed to surrender before the Station House Officer, Nagole Police Station, Rachakonda

Commissionerate, Hyderabad within a period of (15) days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- ii) The petitioner/Accused No.3 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:18.04.2024
dgr

Dr. G.RADHA RANI, J