

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5809 OF 2024

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C by the petitioner seeking anticipatory bail.
2. Petitioner/accused in Crime No.105 of 2024 on the file of Genome Valley, Cyberabad District, within the territorial jurisdiction of the VII Additional Metropolitan Magistrate at Medchal.
3. I have heard Sri M. Ramachander Rao, learned Senior Counsel, representing, Sri Naraparaju Avaneesh, learned counsel for the petitioner and Sri Khaja Vizarath Ali, learned Assistant Public Prosecutor for the respondent-State.
4. The case of the prosecution in brief is that, in the backdrop of money transaction and the petitioner's insistence to repay the loan availed by the deceased, on 28.05.2024, the husband of the de facto complainant on his return from their scrap shop informed that, the petitioner is threatening him that it doesn't matter even if dies, but he (the deceased) should pay the due amount at any cost. Again, the petitioner

said to have visited their shop and threatened her husband that he would take their car and lock their house doors if the due are not cleared. Further alleged that that on same day at 9.30 AM, the petitioner visited the house and threatened the de fact complainant that if the amounts are not returned, he will take away their car and the lock the house doors of their house. Later at about 10.00 AM, the husband of the de facto complainant found dead by hanging in his shop. Thus, the petitioner committed offence under Section 306 of the Indian Penal Code, 1860.

5. Learned counsel for the petitioner would submit that even as per the prosecution the deceased had taken loan from the petitioner and the allegation is about pressuring or forcing the deceased to repay the amount, and that the petitioner would take away the car and lock the doors of their house. Even these statements as it would not qualify the material ingredients of abetment as contemplated under Section 107 of IPC.

6. Further pleaded that the High Court of Gujarat in **Jorubhai Amrubhai Varu v. State of Gujarat**¹, while considering similar circumstances categorically observed that

¹ 2020 SCC Online Guj 1189

the constant demand of money and alleged threatening by the accused, will not make out the ingredient under Section 306 of IPC.

7. Further the police report, is not making out case under Section 306 of IPC, but as the petitioner is apprehending arrest by the police and ready to cooperate with the judicial process, prayed for grant of anticipatory bail.

8. Learned counsel appearing for the de facto complainant vehemently opposed the bail application and submits that the deceased had recorded selfie video which is depicting the harassment made by the petitioner for repayment and only for such abetment, the deceased committed suicide. This material in the stance of dying declaration is making out clear case against the petitioner. That apart, there are several other instances caused by the petitioner against the de facto complainant would stand as substantive material proving abetment of suicide as such the deceased having no other option had committed suicide.

9. Learned Assistant Public Prosecutor pleaded in support of the prosecution case and submits that four witnesses were examined and the investigation is under process.

10. I have considered the submissions of learned counsel and perused the material on record.

11. The allegation against the petitioner is that he pressurized the deceased for repayment of the due amount, if not, he would take away the car and lock the doors of the house of the deceased. As per the prosecution, even the selfie video in the line of these assertions found in the police report. Having regard to these facts in the light of essential of abetment and the depth of allegation, keeping open the merits for consideration by the trial Court at appropriate stage, this Court is of the considered view that the prayer of the petitioner for grant of anticipatory bail can be accepted.

12. Accordingly, the present Criminal Petition is allowed on the following conditions:

- 1) The petitioner/accused is directed to surrender before the Station House Officer, Genome Valley Police Station, Cyberabad District, on or before 06.07.2024. Upon such surrender, the said Station House Officer shall release the petitioner on bail, on his executing a self-bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to his satisfaction.

- 2) The petitioner shall appear before the Station House Officer for interrogation and the judicial process as and when required, except for leave of the Court.
- 3) The petitioner shall abide by the other conditions stipulated in Section 438 (2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.
- 4) In case the petitioner commits breach of any of the conditions, the bail is liable to be cancelled at the instance of the prosecution and the trial Court shall be at liberty to consider such application on merits.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE N.TUKARAMJI

Date: 24.06.2024
SSM/TMK

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5809 of 2024
Dt.24.06.2024

Ssm/Tmk