

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6411 OF 2024

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C by the petitioner seeking anticipatory bail.
2. The petitioner is accused No.2 in Crime No.18 of 2024 on the file of the PS; Karakagudem, B.Kothagudem District, within the territorial jurisdiction of the Judicial First Class Magistrate at Manuguru.
3. I have heard Sri Jalli Kanakaiah, learned senior counsel representing Sri Narendar Jalli, learned counsel on record for the petitioner and Sri Khaja A. Vizarith Ali, learned Assistant Public Prosecutor for the respondent-State.
4. The case of the prosecution in brief is that on 21.03.2024, the mother of the deceased reported the death of her son by consuming pesticide poison due to

matrimonial issues. However, on 03.04.2024, she submitted additional report stating that the call record and videos from the phone of her son/deceased had revealed illicit affair of her son and he lending Rs.5.00Lakhs. In that context, the petitioner said to have called her son and abused him that wherever he is, the petitioner will see that cases would be launched against him and would make him vagrant. Thus, the petitioner has committed offences under Sections 306 of the Indian Penal Code, 1860 and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended Act, 2015.

5. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and no way involved in the offence. Even as per the police report, there is no reference of the caste/community of the deceased, much less, any positive act of instigating the deceased for committing suicide. In addition pleaded that the petitioner is ready to assist the investigation

and abide by any of the conditions that may be imposed, but, as the police report is registered, he is apprehending arrest, thus, prayed for grant of anticipatory bail.

6. Learned Assistant Public Prosecutor would submit that the material found in the phone of the deceased is indicating that the petitioner had threatened the deceased. However, the investigation is still pending.

7. I have considered the submissions of learned counsel and perused the materials placed on record.

8. As per the police report, the petitioner said to have threatened the deceased over phone. Further, as rightly pointed out by the petitioner, there is no reference of either caste or community of the deceased in the police report. In addition, no other act of abetment other than the said statement of the petitioner has been proposed by the prosecution. On considering these aspects and the depth of allegations, this Court is of the considered

opinion that the prayer of the petitioner for grant of anticipatory bail can be allowed.

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

- 1) The petitioner/accused No.2 is directed to surrender before the Station House Officer, PS; Karakagudem, on or before 10.07.2024. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) The petitioner shall make himself available for interrogation as and when he is required by the police till filing of charge sheet.
- 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.

Miscellaneous applications, pending if any, shall stand closed.

Date: 01.07.2024
gvl

N.TUKARAMJI, J

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Dt.01.07.2024