

**THE HON'BLE Dr. JUSTICE G. RADHA RANI**

**CRIMINAL PETITION No.11292 OF 2024**

**ORDER:**

This criminal petition is filed by the petitioner – Accused No.1 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhitha, 2023 (for short BNSS) for grant of regular bail in Cr.No.727 of 2024 of Film Nagar Police Station, Banjara Hills Sub-Division, Hyderabad registered for the offences under Section 85, 108 of Bharatiya Nyaya Sanhita, 2023 (for short BNS).

2. Heard Sri G.V.N.R.S.S.S.Vara Prasad, learned counsel for the petitioner, Sri K.Venumadhav, learned counsel for the respondent No.2 and learned Additional Public Prosecutor for respondent No.1-State.

3. Learned counsel for the petitioner submitted that the petitioner-accused No.1 was got married with the deceased on 25.01.2015 in Avasa Hotel, Hitech City, Hyderabad. The deceased was childless and she underwent several treatments and diagnosis as suggested by various doctors. The petitioner-

accused No.1 had also undergone various medical tests and procedures as suggested by the doctors. The deceased underwent IUI's and IVF's but they failed. The deceased underwent second ICSI in January, 2023 and third ICSI in September, 2023 but they failed. The deceased went to Fernandez Hospital on 18.07.2024. Thereafter on 24.07.2024, the doctor on seeing her scan report prescribed injections and planned for IUI on 26.07.2024. Subsequently when the deceased visited on 26.07.2024 along with her husband-accused No.1 and with her mother in law-accused No.2, the deceased was advised to come after one month stating that the egg was not released for which the deceased went into depression. On 14.08.2024 the deceased left the house. Subsequently with the help of Banjara Hills Police her body was traced out at Hussain Sagar lake, near Dogs park Necklace road. She was taken to KIMS hospital but declared as brought dead.

4. Learned counsel for the petitioner further submitted that to cooperate with the investigation, the

petitioner-accused No.1 himself surrendered before the SI of police, Film Nagar P.S. on 03.09.2024 through his counsel and submitted the entire medical record of the petitioner-accused No.1 and his wife Sandhya (deceased) along with Ensave Portable SSD (Solid-State Drive) 1 TB containing the continuous CC TV Footage of the house of the petitioner-accused No.1 for the period from 10.08.2024 to 14.08.2024 including screen shots of photos extracted from CC TV footage for the purpose of investigation. From the CC TV footage, it could be observed that the deceased played with the 10 months old child who was the daughter of accused Nos.3 and 4. No ingredients of the offence under Section 85 and 108 of BNS would be attracted as there was no harassment to the deceased or any abetment to commit suicide and prayed to enlarge the petitioner on bail.

5. Learned counsel for the respondent No.2-defacto complainant submitted that the marriage of the deceased and the petitioner was performed 9 years back. From the date of her marriage the deceased was harassed by the petitioners-

accused Nos.1 to 4 physically and mentally for not having children. Due to the said unbearable harassment, she left the house and jumped into Hussain Sagar lake. The accused Nos.1 to 4 were responsible for the suicide committed by the deceased. The FSL report was not yet received. Whether any poison was administered to the deceased was not known and prayed to dismiss the bail application of the petitioner-accused No.1.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner-accused No.1. He further stated that FSL report was awaited and not yet received.

7. Considering the facts and circumstances of the case and the medical records of the deceased and the petitioner-accused No.1 and the photographs of the CC TV footage filed along with the bail application and considering the conduct of the petitioner, as he himself surrendered before the investigating officer as well as submitted all the record for the period from 10.08.2024 to 14.08.2024 immediately prior to the death of the deceased and as the accused shall be presumed

innocent till his guilt is proved in the trial, it is considered a fit case to enlarge the petitioner-accused No.1 on bail.

8. In the result, the Criminal Petition is allowed directing the petitioner-accused No.1 to be released on bail in the above crime subject to the following conditions:

- i) The petitioner - accused No.1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the XVII Additional Metropolitan Magistrate at Nampally, Hyderabad.
- ii) The petitioner-accused No.1 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

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**Dr. G. RADHA RANI, J**

**November 06, 2024**

**BV**

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