

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.12816 OF 2024

ORDER:

This criminal petition is filed by the petitioners – Accused Nos.1 and 2 under Section 482 of Bharatiya Nagrik Suraksha Sanhitha, 2023 (for short BNSS) for grant of anticipatory bail in Cr.No.151 of 2024 of Devarkadra Police Station, Mahbubnagar District registered for the offence under Section 108 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short BNS).

2. Heard Ms.P.Sree Ramya, learned counsel for the petitioners and learned Additional Public Prosecutor for respondent-State.

3. Learned counsel for the petitioners submitted that basing on the complaint given by the brother of the deceased, the above case was registered wherein the names of the petitioners were mentioned in the complaint alleging that they harassed and threatened his brother and due to their abetment, his brother committed suicide by hanging and died. She further submitted that accused No.1 was working as Supervisor in the apartment, wherein the father of the accused person worked as a watchman in Krushi Arcade Apartment, located at Patigadda of Begumpet. The second

petitioner-accused No.2 was the wife of the first petitioner-accused No.1. She was a house wife, no way connected with the present complaint. The petitioners were falsely implicated in the above case and relied upon the judgments of the Hon'ble Apex Court in *M.Arjunan v. State* represented by Inspector of police¹ and *S.S.Chheena v. Vijay Kumar Mahajan and another*².

4. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners-accused Nos.1 and 2 stating that the deceased committed suicide after taking a selfie video on his mobile. In the selfie video he stated the names of the petitioners herein. The deceased stated that the petitioner No.2 used to call him frequently though he objected her and the petitioner No.1 threatened him over phone suspecting him. He further stated that the petitioners were troubling him due to which he committed suicide.

5. The contents of the complaint as well as the translation of the selfie video of the deceased produced by the learned Additional Public Prosecutor would not disclose the ingredients of the offence under section 306 of IPC that the petitioners had abetted the

¹ (2019) 3 SCC 315

² (2010) 12 SCC 190

deceased to commit suicide. The Hon'ble Apex Court in M.Arjunan case (cited supra) held that the act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Considering that the prima facie ingredients of the offence under section (108 of BNS) 306 of IPC would not attract to the case on hand, it is considered fit to grant anticipatory bail to the petitioners.

6. In the result, the Criminal Petition is allowed directing the petitioners-accused Nos.1 and 2 to be released on bail in the event of their arrest in the above crime subject to the following conditions:

- i) The petitioners - accused Nos.1 and 2 shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) each with two sureties each for a like sum to the satisfaction of the Station House Officer, P.S. Devarkadra, Mahabubnagar District.

ii) The petitioners – accused No.1 and 2 shall abide by the other conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Dr. G. RADHA RANI, J

November 05, 2024
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