

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13077 OF 2024

ORDER:

This criminal petition is filed by the petitioner – Accused No.2 under Sections 480 and 483 of the BNSS to enlarge the petitioner – Accused No.2 on bail in Crime No.1110 of 2024 on the file of the Station House Officer, KPHB Police Station, Cyberabad, registered for the offence under Section 108 of the BNS.

2. The case of the prosecution in brief was that the deceased had borrowed an amount of Rs.10,00,000/- from accused No.1 and Rs.14,00,000/- from accused No.2 but he was unable to repay the same. Accused Nos.1 and 2 pressurized the deceased to repay the amount. On that the deceased registered his wife's land documents in the name of accused No.2. Accused Nos.1 and 2 agreed to repay the remaining amount after selling the land registered in the name of accused No.2. But they failed to sell the property and they pressurized the deceased by filing a case against the deceased in SR Nagar Police Station. As such, on 25.09.2024 during morning hours, the deceased left his home and committed suicide by drowning in Pragathi Nagar lake. At the time of his death, he left

his recorded video wherein he stated that “Bothala Vinay and Kothapally Srinivas @ Srinu (accused No.2) cheated him and Bothala Vinay harassed him mentally in different ways and Vinay was the reason for his suicidal death and he made him to commit suicide.” Basing on the report given by the wife of the deceased, the police registered a case in Crime No.1110 of 2024 for the offence under Section 108 of the BNS.

3. Heard Sri M.P.Kashyap, learned counsel for the petitioner-Accused No.2 and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner was remanded on 01.10.2024 and he was in custody since then. No allegations were made against the petitioner harassing the deceased even in the self video of the deceased. Accused No.1 was enlarged on bail by the trial Court on 18.10.2024. The petitioner would stand on a better footing than accused No.1 and prayed the Court to enlarge the petitioner on bail.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that except the allegations made in the self recorded video by the deceased that the petitioner along with accused No.1 cheated him, as there are no allegations of abetment of the deceased to commit suicide attracting the offence under Section 108 of the BNS, it is considered fit to enlarge the petitioner on bail.

8. In the result, the Criminal Petition is allowed directing the jail authorities to release the petitioner on bail subject to his executing a personal bond for Rs.20,000/- with two (02) sureties for the like-sum each to the satisfaction of the XV Additional Metropolitan Magistrate at Kukatpally, Cyberabad. Further, the petitioner shall abide by the conditions laid down under Section 480(3) of the BNSS.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

November 04, 2024

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