

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13114 of 2024

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused NO.3 in FIR.No.452 of 2024 before the AJ Mills Colony Police Station, Warangal District.

2. The brief facts of the case of prosecution are that on 03.7.2024 an incident occurred at House No.18-1-42, Chaitanya Colony, Shambanipet, Warangal. Vanam Vanitha, the complainant/wife of the deceased - Vanam Rajkumar, reported the incident on 04.07.2024, at 2:00 p.m. According to the complaint, the deceased had a quarrel with his wife over a petty issue, following which the A1-Devulapally Damodar, A2-Devulapally Sharadha, petitioner/A3-Pallavi, and A4/Md. Azam, allegedly harassed the deceased for money and took Rs.10,10,000/- from him. Despite this, they demanded more money, which led the deceased to hang himself from a roof pipe and die. The complainant requested

necessary action against the accused as per law. On receipt of the said complaint, the Police filed case against the petitioner and other accused under Section 108 read with 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

3. Heard Sri PV.Sai Krishna, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioner submitted that petitioner is an innocent person who has been falsely implicated in the case, and that she is a married woman residing in Hyderabad with her husband and has no connection to the alleged offence. He asserted that around twenty years ago, the husband of the complainant misbehaved with the petitioner, leading to a warning from Accused No.1, and the issue was later resolved. He lamented that the petitioner and the deceased have no relationship, and their families are strangers to each other. He averred that the complaint alleges that Accused No.4/Azam, harassed the deceased, but Azam is a stranger, making the accusation absurd. He divulged that the petitioner got to

know regarding her implication in the case through a newspaper article, and that the complainant and the deceased had a troubled relationship, with the complainant physically and mentally harassing the deceased, leading him to commit suicide. He reiterated that the petitioner, a housewife, has been unnecessarily drawn into the case, causing disputes with her husband and potentially disturbing their marital life. Despite the lack of evidence against the petitioner, her arrest and remand to judicial custody would cause hardship and mental agony to her family, including her school-going children. With Accused No. 4 already arrested, remanded, and released on bail, and all witness statements recorded, granting anticipatory bail to the petitioner would not compromise the investigation, as such, prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations leveled against the petitioner are of serious nature, as such, prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the allegation against the petitioner is that due to harassment of the petitioner, the deceased committed suicide, and that in the suicide note it was stated by deceased that A1, A2, A3/petitioner and A4 are responsible for his death. However, on going through the material in meticulous manner, it is noted that except mentioning the name of petitioner in the suicide note, the role attributed by the petitioner is nowhere stated. Considering the same, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to compliance of following conditions, and ensuring her presence during the investigation and trial:

- i. The petitioner shall surrender before the Station House Officer of AJ Mills Colony Police Station, Warangal District, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal

bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 16.12.2024
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