

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13298 OF 2024

ORDER:

This criminal petition is filed by the petitioner – accused under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail in Crime No.409 of 2024 of LMD Colony P.S., Karimnagar District, registered for the offence under Section 108 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of the prosecution, in brief, was that on 02.10.2024 at about 08.00 hours, the wife of the deceased lodged a report stating that her husband was working as an Attender in Veterinary Department, Garrepally Village. The petitioner - accused harassed her husband, humiliated him and threatened to kill him. Unable to bear his torture, her husband consumed poison on 26.09.2024 at 16:00 hours. He informed the same to her over phone and asked her to video-record his statement. She has taken a video recording. Subsequently, the Police came and shifted the deceased to Renee Hospital, Karimnagar and got recorded the Dying Declaration of the deceased by a Magistrate.

Later, on 01.10.2024, he was shifted to Government MGM Hospital, Warangal, but died on the same day at 17:40 hours, while undergoing treatment. Basing on the said report, the above crime was registered against the petitioner and the petitioner was arrested on 03.10.2024.

3. Heard Mr. Mirza Azmath Ali Baig, learned counsel for the petitioner and the learned Additional Public Prosecutor for respondent-State.

4. The learned counsel for the petitioner submitted that no complaint was lodged by the deceased prior to this incident. The petitioner was the sole breadwinner of his family. His son was suffering from Liver disease and was admitted in Srihitha Hospital, Karimnagar, since 23.09.2024. The petitioner was having a permanent abode at Karimnagar and prayed for grant of regular bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner had criminal history, two other cases were pending against him registered as

Crime Nos.104 of 2016 and 212 of 2022 in Karimnagar II Town
P.S.

6. Learned counsel for petitioner submitted that both the said cases were disposed of in Lok Adalat and no crimes were pending against the petitioner at present.

7. Perused the record.

8. Considering the submission of the learned counsel for the petitioner, as no complaint was lodged by the deceased prior to this incident with regard to the threatening given by the petitioner – accused and the Dying Declaration recorded by the Magistrate or as well as the complaint lodged by the wife of the deceased would not disclose any reason for the petitioner – accused threatening the deceased, except stating that due to jealousy, the petitioner was threatening him and due to fear of the petitioner, the deceased committed suicide and as the said contents would not disclose the petitioner abetting the deceased to commit suicide attracting the offence under Section 108 of BNS, it is considered fit case to enlarge the petitioner on bail.

9. In the result, this Criminal Petition is allowed, directing the petitioner – accused to be released on bail in the above crime, subject to the following conditions:

- i) The petitioner - accused 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 Special Judicial Magistrate of First Class (Excise) at Karimnagar.
- ii) The petitioner – accused shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

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

Dr. G. RADHA RANI, J

Dt: 08.11.2024
rev