

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13462 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioners who are arrayed as accused Nos.1 to 5 in Crime No.126 of 2024 of Tripuraram Police Station, Nalgonda District.

2. The brief facts of the case are that on 22.10.2024, Dhanavath Laxmi-de facto complainant, an agricultural laborer from Mitya Thanda, lodged a complaint stating that five villagers - Ramavath Chanti, Dhanavath Mohan, Ramavath Mangtha, Ramavath Ramesh, and Ramavath Chandu i.e., petitioners herein are having grudge against her husband- Dhanavath Babu Rao, and quarreled with him multiple times, physically assaulting him two to three times and also tried to kill him. Despite a panchayat agreement to cease hostilities, the accused attacked Babu Rao with bamboo sticks six days before Dussehra festival, causing him to stop working. Due to unbearable harassment, Babu Rao consumed

pesticide poison on 21.10.2024 between 4 to 5 a.m. Immediately the complainant took him to a RMP doctor of Adavidevulapally village and then to Miryalaguda Government Area Hospital, where he succumbed to injuries on 22.10.2024 at 1:50 am. Hence, requested to take action against the petitioners.

3. Heard Sri Srinivas Podicheti, learned counsel appearing on behalf of the petitioners as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and they were falsely implicated in this case, due to village rivalry. The offence alleged against the petitioners are under Section 108 r/w. Section 3 (5) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS"). He further submitted that the petitioners deny abetting the deceased's suicide, as defined under Section 108 of the BNS Act, and claim that the complaint lacks specific allegations. He further contended that the petitioners earlier filed CrI.M.P.No.241 of 2024, before the trial Court for grant of anticipatory bail, which was dismissed on 30.10.2024. Learned counsel relied

on the judgment of the Hon'ble Supreme Court in **Kamalakar vs. State of Karnataka**, emphasizing the need to prove abetment of suicide under Section 306 of IPC. He contended that the petitioners are the permanent residents of Mitya Thanda. If they are arrested their reputation will be damaged and that they undertake to cooperate with the investigation, furnish suitable security, and shall abide by any conditions imposed by this Court.

5. On the other hand, learned Additional Public Prosecutor opposed the bail petition stating that the allegations leveled against the petitioners are serious in nature, at this stage, granting bail to the petitioners does not arise and prayed the Court to dismiss the criminal petition.

6. Considering the submissions made by both the learned counsel and a perusal of the material available on record, the main allegation against the petitioners is that they beat the deceased six days prior to Dussehra festival and due to that the deceased felt distressed and committed suicide on 21.10.2024. The alleged incident as stated in the complaint has occurred six days prior to Dussehra festival i.e., 5th or 6th October, 2024 and the deceased committed suicide on

21.10.2024. There is long gap between the date of alleged offence and the date of committing suicide. As seen from the record, there are disputes between the parties. There are no previous criminal antecedents against the petitioners herein, this Court deems it appropriate to grant relief of anticipatory bail to the petitioners, subject to following conditions:-

- 1) The petitioners/Accused Nos.1 to 5 are directed to surrender before the Station House Officer, Tripuraram Police Station, Nalgonda within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 to 5 on pre-arrest bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioners/Accused Nos.1 to 5 shall appear before the concerned police as and when required for the purpose of investigation.
- 3) The petitioners/Accused Nos.1 to 5 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date :22.11.2024
Rds

K. SUJANA, J

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