

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13710 OF 2024

ORDER:

This criminal petition is filed by the petitioner – accused No.1 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in Cr.No.246 of 2023 of Police Station Karimnagar-I Town, Karimnagar District registered for the offence under Section 306 of Indian Penal Code (for short 'IPC').

2. The case of the prosecution, in brief, was that on 04.07.2023 at about 14:00 hours, the *de-facto* complainant/the wife of the deceased came to the police station and lodged a report stating that her husband was working as a delivery boy in Indian Gas Agency, Kothirampur for more than 7 years. Syed Meraj was one of the partner of the agency under whom her husband was working as delivery boy. Since 2 years there were disputes between Syed Meraj and her husband Thirupathi with regard to gas delivery. In that regard cases were registered against her husband in Karimnagar and Manakondur. Her husband was sent to jail for 8 months. He got released 17 days ago. He was feeling depressed about the cases.

On 03.07.2023 in the morning at 07:00 AM her husband informed her that he was going to meet the other gas agency partner Rajireddy and left home but did not return. In the morning 10:00 AM., when she called her husband, he did not pick up her calls. Then she dialled the gas agency person, who informed her that they called 108 and shifted her husband to government hospital. She went to government hospital and found her husband undergoing treatment. The doctor informed her that for better medication they need to know the name of the poison consumed by her husband. She informed her villager Dasari Kanna to enquire about the poison her husband had consumed. He went to the gas agency and found the cover of poison and along with it two small note books wherein in one of the page it was written that Siraj was responsible for his death. She further submitted that while undergoing treatment her husband expired. Basing on the said report, the above Crime was registered.

3. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner-A1 submitted that petitioner was partner of Samruddi gas agency. He used to deliver gas cylinders to

the customers. On 06.10.2022, the petitioner found that the gas agency locks were broken and 281 gas cylinders worth of Rs. 7,80,000/- were stolen. In that regard, the petitioner-Accused No.1 lodged a complaint in Police Station Manakondur which was registered as Cr.No.222/2022, dated 09.10.2022 for the offences under Sections 457, 380 IPC. Thereafter, during the course of investigation, the police on 02.10.2022 apprehended the auto trolley driver - A-2 who was transporting the stolen gas cylinders. Upon further enquiry, A-2 revealed the name of the deceased, the husband of the *de-facto* complainant and stated that the deceased Bathini Thirupathi had stolen the gas cylinders from the godown of the petitioners and concealed them in kodimunja Village. The deceased Bathini Thirupathi again went to the Gas Godown of the petitioner with a Tapancha (Country revolver) to kill the petitioner and his partner. As the petitioner was not present, the deceased threatened and extorted Rs.34,875/- from the worker of the gas agency. In the said regard another Crime No. 293/2023 was registered against the deceased for the offence under Section 384 of IPC. The deceased was arrested on 13.11.2022 and police recovered 60 cylinders, 2 fire arms and 7 rounds of ammunition

from him and subsequently filed a charge sheet against the deceased.

4.1. Learned counsel for the petitioner – Accused No.1 further submitted that the petitioner did not know about the involvement of the deceased in the cylinders theft issue and had not mentioned the name of the deceased in his complaint. The name of the deceased came to light during the investigation of the case. The petitioner was no way concerned with the suicide of the deceased. The offence under Section 306 of IPC was not applicable to the petitioner – Accused No.1 and prayed for grant of anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner contending that due to the harassment made by the petitioner only, the deceased committed suicide and also left a suicide note by mentioning the name of the petitioner as responsible for his death. As such, his role would need to be investigated and prayed to dismiss the anticipatory bail application of the petitioner.

6. Considering the facts and circumstances of the case, as the name of the deceased was not stated by the petitioner in the earlier complaint lodged by him in Cr.No.222 of 2024 and the name of the deceased came

to light only during the investigation of the case and filing criminal cases against the deceased would not amount to abetment to commit suicide and as the ingredients of the abetment were not *prima facie* found as per the facts of the case, to attract the offence under Section 306 of IPC, it is considered fit to grant anticipatory bail to the petitioner.

7. In the result, the Criminal Petition is allowed and the petitioner-A1 shall be released on anticipatory bail subject to the following conditions:

- i) The petitioner-A1 is directed to surrender before the Station House Officer, P.S Karimnagar-I Town, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner on bail, on his 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 the satisfaction of the said Station House Officer.
- ii) The petitioner-A1 shall abide by the conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

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

Dr. G. RADHARANI, J

November 26, 2024
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THE HON'BLE Dr. JUSTICE G. RADHA RANI

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Dated 26.11.2024

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