

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13734 OF 2024

ORDER:

This criminal petition is filed by the petitioners – accused Nos.1 to 3 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in Crime No.1189 of 2024 of Kukatpally Police Station, Cyberabad, registered for the offence under Section 108 of Bharatiya Nyaya Sanhitha (for short 'BNS').

2. The case of the prosecution, in brief, was that on 14.09.2024 at 16.30 hours, the *de facto* complainant-wife of the deceased, came to the police station and lodged a report stating that her husband committed suicide by hanging to a fan and the petitioners - Gonuguntla Srikirshna, Gonuguntla Srinivasa Rao and Gonuguntla Geethanjali were responsible for the death of her husband as they harassed him physically and mentally in a property matter and were demanding them to vacate the house and also assaulted them and abused them in filthy language. The *de facto* complainant waited till the date of coming of her son from Australia and

lodged the report. Basing on the said report, the above crime was registered.

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

4. Learned counsel for the petitioners submitted that the petitioner Nos.1 and 2 were brothers and the petitioner No.3 was the wife of petitioner No.1. The deceased was the father's brother of petitioners No.1 and 2. Both the families were having property disputes. The petitioners No.1 and 3 had filed O.S. No.2 of 2024 on the file of the Senior Civil Judge, Kukatpally. The deceased also filed a suit in O.S. No.27 of 2021 against the father of petitioners No.1 and 2 before the Principal Junior Civil Judge, at Macherla. There were cases and counter cases between both the families with respect to immovable properties in Hyderabad and Macherla. The petitioners had nothing to do with the alleged offence of committing suicide by the deceased. They were fighting for their rights legally before the appropriate courts. The complaint lodged by the *de facto* complainant was a motivated one and prayed to grant anticipatory

bail to the petitioners.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that there were specific allegations made against the petitioners. Their names were mentioned in the complaint and prayed to dismiss the anticipatory bail application of the petitioners.

6. Considering that there were property disputes between the petitioners and the family of the deceased and both of them had filed civil suits against each other which were pending before the concerned courts and the contents of the complaint would not disclose any of the ingredients of the provisions of Section 45 of BNS, which would attract the offence under Section 108 of BNS, it is considered fit to grant anticipatory bail to the petitioners.

7. In the result, the Criminal Petition is allowed and the petitioners-A1 to A3 shall be released on anticipatory bail subject to the following conditions:

i) The petitioners-A1 to A3 are directed to surrender before the Station House Officer, Kukatpally, Police Station, Cyberabad within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

ii) The petitioners-A1 to A3 shall abide by the conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

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

November 29, 2024
KTL

Dr. G. RADHARANI, J