

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.12944 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused Nos.1 to 4 seeking bail in the event of their arrest in connection with Crime No.171 of 2023 on the file of I.S.Sadan Police Station, Hyderabad, registered for the offence under Section 306 of IPC.
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The *de-facto* complainant who is the daughter-in-law of the deceased filed a complaint on 16.04.2022 that the deceased/father-in-law who is aged around 78 years and pensioner left home without informing anyone. Earlier also he left in the same manner and returned. They were searching for him in all possible ways. The said man missing complaint was registered by Kanchanbagh Police. Thereafter, the Kanchanbagh Police filed an alteration memo alleging that these petitioners had abused the deceased in respect of disputes regarding construction of temple wall by encroaching the road.

4. After alteration memo was filed, on the point of jurisdiction, the I.S.Sadan Police re-registered the case as FIR.No.171 of 2023 on 06.09.2023.

5. Learned counsel for the petitioner submits that the deceased went missing on 15.04.2022 and nearly after 18 months, an alteration memo is filed stating that in relation of construction of a compound wall of which these petitioners are temple committee members are responsible in abusing the deceased, for which reason the deceased committed suicide.

6. As seen from the remand report, the deceased went missing on earlier occasion also according to the *de-facto* complainant. Though there is a dispute with regard to temple wall being constructed by encroaching road and the petitioners/committee members using filthy language against the deceased would not *prima facie* amount to abetting the deceased to commit suicide.

7. In the said circumstances, the relief of anticipatory bail can be granted, subject to following conditions:-

- 1) The petitioners/Accused Nos.1 to 4 are directed to surrender before the Station House Officer, I.S.Sadan Police Station, Hyderabad, on or before 10.01.2024. Upon such surrender, the said Station House Officer

shall release the petitioners/Accused on bail, on their executing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum each to his satisfaction.

- 2) On such release, the petitioners/Accused Nos.1 to 4 shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of four weeks for the purpose of investigation and thereafter, as and when required.
- 3) The petitioners/Accused Nos.1 to 4 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 03.01.2024
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Dt.03.01.2024

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