

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.2106 of 2025

ORDER:

The present Criminal Petition is filed, seeking the Court to enlarge the petitioners, on bail, who are arrayed as accused Nos.2 and 3 in Crime No.12 of 2025 of Dabeerpura Police Station, Hyderabad. The offences alleged against the petitioners are under Sections 85, 108 r/w.3 (5) of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 20.01.2025, the complainant lodged a report before police stating that the deceased is his daughter and accused No.1 is her husband and accused Nos.2 and 3 are her in-laws and that due to the harassment of accused Nos.1 to 3, the deceased committed suicide at the house of her in-laws; that A.1 called him and informed the same, immediately he along with his family rushed to the house of accused and immediately shifted the deceased to the hospital and by that time, the deceased was declared as dead. Hence, requested the police to take action

against the accused. Basing on the said complaint, the police registered the case against the accused for the above offences.

3. Heard Sri Mohd. Muzaferullah Khan, learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioners is that there are no specific allegations against these petitioners. The first petitioner is aged about 65 years and she is a Psychiatric patient and undergoing treatment and the second petitioner is a student studying in B.com degree and that her exams are scheduled in the coming weeks. He further submitted that petitioners are in jail for the last one month and material part of investigation is already completed. He also relied on the judgment of the Hon'ble Supreme Court in **Jayedepsinh Pravinsinh Chavda & others Vs State of Gujarat**¹, wherein *mens rea* is required in Section 306 of IPC and requested this Court to grant bail to the petitioners.

¹ 2024 INSC 960

5. On the other hand, learned Additional Public Prosecutor opposed bail stating that the allegations against these petitioners are serious in nature. As such, requested this Court to dismiss this petition.

6. Considering the submissions made by both the counsel and the material on record, the petitioners are in jail from 21.01.2025 and as seen from the record, material witnesses are already examined. Considering the same, this Court deems it fit to grant bail to the petitioners subject to the following conditions :

- i. The petitioners shall execute 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 VIII-Additional Chief Judicial Magistrate, Hyderabad.
- ii. The petitioners shall appear before the concerned SHO at 11:00 a.m., on every Sunday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioners shall abide by the conditions stipulated in Section 482(2) of BNSS (previously known as Section 437 (3) of Cr.P.C.)

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 20.02.2025
Rds

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.2106 of 2025

DATE: 20.02.2025

Rds