

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.2166 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.401 of 2024 before the Huzurabad Police Station, Karimnagar District, on the file of the Additional Judicial Magistrate of First Class, at Huzurabad, Karimnagar District, registered for the offences punishable under Sections 292, 108 read with 3(5) of BNS, and Section 3(1)®(s), 3(2)(va) of SC/ST (POA) Amendment Act, 2015 (for short 'Act, 2015').

2. The brief facts of the case are that on December 17, 2024, at 3:00 PM, an incident occurred at Budigajangam Colony, Huzurabad Town, where petitioners/accused Kondabathini Murali and Ramagiri Anku, allegedly abused the wife of complainant, Gandam Raamakka, using derogatory caste-based slurs, and abetted her to commit suicide. The deceased, feeling vexed,

committed suicide by hanging on December 19, 2024, at 2:00 AM. The complaint was reported by Gandam Saraiah, the husband of deceased on December 19, 2024, at 1:25 PM. Based on this complaint, a crime was registered against the petitioners for the offences as alleged, arraying them as accused Nos.1 and 2. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Sri M.Venkanna, learned counsel for petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioners submitted that the dispute between the petitioners and the de facto complainant stems from a civil matter regarding a hand loan, with the complainant attempting to avoid repayment by threatening to file a false complaint under the SC & ST (POA) Act. He contended that the complainant's enmity towards the petitioners intensified after losing a civil suit and having his property attached. He asserted that the deceased's conversation with her husband was about losing their house due to the civil suit, with no mention of any

caste-based scolding by the petitioners, and that the complaint is an afterthought, drafted to attract criminal provisions and the SC & ST POA Act, and is unbelievable and improbable as the alleged scolding did not occur in public view. Therefore, while advocating that the petitioners are willing to cooperate with the investigation, and are ready to abide by any conditions imposed by the Court, prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to them.

5. On the other hand, learned Additional Public Prosecutor submitted that the allegations leveled against the petitioners are serious in nature and that as per the complaint averments, the petitioners abused the deceased over her caste and that they already had a civil dispute between them. Therefore, while advocating that the interrogation of petitioners is necessary keeping in view the seriousness of the case, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made, on going through the material placed on record, it is noted that the

petitioner No.1 is tenant of de facto complainant and they had a hand loan transaction between them basing on a promissory note and in view of non payment of the same, a suit was filed for recovery of amount and attachment of property, and petitioner No.2 is the guarantor of the said hand loan. That being so, it is evident that there was a civil dispute between the parties earlier to the incident which resulted in deceased committing suicide. As seen from the record, the material part of the investigation is already completed and the statements of witnesses are also recorded. As such, on meticulously perusing the contents in entirety, it is seen that main set of allegations are against the petitioner No.1 and there are no specific set of allegations against petitioner No.2 who is merely a guarantor of the said hand loan between the parties. Therefore, this Court is inclined to partly allow this criminal petition, granting the relief of anticipatory bail only to petitioner No.2, and not to petitioner No.1 as there are specific set of serious allegations against him.

7. In view thereof, this Court deems it fit to grant pre-arrest bail to the petitioner No.2/accused No.2 subject to the following conditions:

- i. The petitioner No.2 shall surrender before the Station House Officer, Huzurabad Police Station, Karimnagar District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/-, with two sureties, for the like sum each.
- ii. The petitioner No.2 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner No.2 shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the

filing of the charge sheet and
thereafter, as and when required.

8. Accordingly, this Criminal Petition is partly allowed.

Miscellaneous applications, if any pending, shall
stand closed.

K. SUJANA, J

Date: 03.03.2025
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