

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2183 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for granting of pre-arrest bail to the petitioner/accused No.3 in Crime No.151 of 2024 on the file of the Devakadra Police Station, Mahabubnagar.

2. The brief facts of the case are that on 19.09.2024 the deceased committed suicide due to intolerable harassment by the accused persons. It is stated that a selfie video in his mobile phone and suicide note is found in the pockets of the deceased. Hence, a case was registered *vide* Crime No.151 of 2024 before the Devarkadra Police, Mahabubnagar, for the offences punishable under Section 108 read with 3(5) of the BNS.

3. Heard Sri Soma Sekhar Raichur, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner never abetted the deceased to commit suicide. He further submitted that the petitioner is falsely implicated in this case and placed on reliance the Judgments of the Apex Court in ***M.Arjunam v. State represented by Inspector of Police***¹ and ***S.S.Chheena v. Vijay Kumar Mahajan and another***². He also submitted that the petitioner is resident of Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed and prayed the Court to grant anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that there are serious allegations against the petitioner and the investigation is not yet completed, therefore, granting anticipatory bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the submissions made by both the parties and a perusal of the material placed on record, it is apparent that translation of the selfie video of the deceased,

¹ (2019) 3 SCC 315

² (2010) 12 SCC 190

would not disclose the ingredients of the offence under Section 306 of the IPC that the petitioner has abetted the deceased to commit suicide. Further, the Apex Court in ***M.Arjunan*** (Supra 1) held that the act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Hence, *prima facie*, the ingredients of the offence under Section 306 of the IPC (Section 108 of the BNS) would not attract to the present case. It is pertinent to note that material part of the investigation is completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of Devarkadra Police Station, Mahabubnagar, 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.20,000/- with two sureties, for the like sum each.

- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 10 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioner 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.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 21.02.2025
gms

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