

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3516 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking bail to the petitioner/accused No.1 in Crime No.38 of 2025 of Amberpet Police Station, Kachiguda Division, registered for the offence under Section 108 of the Bharatiya Nyaya Sanhita, 2003 (BNS).

2. Heard Mr. Anshul Agarwal, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

3. The brief facts of the case are that the *de facto* complainant lodged a complaint on 24.01.2025 stating that he is residing at Venkatraopalli Village of Julapalli Mandal, Peddapalli District along with his family members and he was blessed with three daughters and a son. During the year 2012, he performed his younger daughter's marriage with the petitioner and gave Ac.1.00 of land and some gold as dowry. After the marriage, both are living happily and out of their conjugal life, they blessed with two children, namely Sahastra, aged 11 years and Nishanth, aged 9 years. Later on, the petitioner started harassing his daughter to bring extra dowry. From the last four years, the petitioner used to suspect his daughter for

every small matter and he used to return home in drunken condition and beat her regularly. However, they were consoled her and asked her to adjust in her matrimonial life. From the last eight years, the petitioner and his daughter were residing in a rented house along with their children at Jam Masjid, Amberpet, Hyderabad. One year back, his daughter had stood surety for the amount of Rs.4,00,000/- taken by accused No.2, for which the petitioner used to torture his daughter mentally. About ten days back, his daughter, the petitioner and their children went to her parental house for festival and went back to Hyderabad. On 24.01.2025 at 1400 hours, his elder daughter called and informed him that the petitioner went to the duty at 0900 hours and called her daughter at around 1000 hours, but she did not response, as such when he went to house at 1030 hours and noticed that his wife was hanging to the fan with the help of chunni in the bed room. Immediately, he removed the knot and brought the body down and informed the same to the house owner. He stated that his daughter was unable to bear the mental torture of the petitioner and due to his unbearable harassment and torture, his daughter committed suicide by hanging. Hence, the complaint.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the present crime. The ingredients of Section 108 of BNS are not

applicable to the facts and circumstances of the case. There are no specific allegations that the petitioner has instigated the deceased to commit suicide. The marriage of the petitioner and the deceased was taken place in the year 2012 and since then they are living happily and no crimes were registered about demanding of dowry or any other allegations. He further submitted that entire investigation is completed except filing of the charge sheet. The petitioner is ready to abide the conditions, which are going to be imposed by this Court. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress. Hence, at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the marriage of the petitioner with the deceased was taken place in the year 2012 and the petitioner is having two children, who are aged 11 and 9 years. The specific claim of the learned counsel for the petitioner is that the ingredients of Section 108 of IPC are not applicable to the facts and circumstances of the case. The record further reveals that the petitioner has not an accused in any other crime and no point of time, the *de facto* complainant or the deceased

has not made any complaint against the petitioner about harassment of demanding additional dowry. Taking into consideration the fact that petitioner is in judicial custody since 27.01.2025, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions.

- (i) The petitioner shall be released on bail on executing a personal bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the IV Additional Chief Judicial Magistrate at Nampally, Hyderabad.
- (ii) The petitioner shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (ii) The petitioner shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 17.03.2025

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