

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3878 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.1, seeking anticipatory bail in Crime No.700 of 2024 of Nirmal Town Police Station, Nirmal District registered for the offence punishable under Section 108 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Heard Sri M.Prudhvi Raj, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 27.12.2024 at 9-30 hours the *de-facto* complainant went to the police station and lodged complaint stating that the petitioner/A1 and other accused persons harassed her son Vamshikrishna and abetted him to commit suicide, due to money disputes. Accordingly, on 24.12.2024 at about 22-00 hours the deceased Vamshikrishna attempted to commit suicide by consuming 30 sleeping pills and he was admitted in the hospital and that on 26.12.2024 at

22-10 hours while undergoing treatment, he died in the Government Hospital, Nirmal Town. Basing on the said complaint, a case in Crime No.700 of 2024 was registered against the petitioner and other accused for the said offences.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he has been falsely implicated in the present crime. He further submitted that the deceased K.Vamshikrishna worked as Lab Technician in the hospital of the petitioner namely Priya Nursing Home from 21.06.2023 to 20.05.2024. When he committed severe irregularities, the petitioner removed him from his employment. On 14.12.2024 the deceased entered into the said hospital and damaged the material in the lab, for which the petitioner has sustained loss to a tune of Rs.8 lakhs. Immediately, the petitioner lodged a complaint against him before the Station House Officer, Nirmal Town Police Station and the same was registered as Crime No.674 of 2024 for the offence under Sections 329(4), 324(5), 296 of BNS on 15.12.2024. Subsequently, the *de-facto* complainant lodged the present complaint and the same was registered against the petitioner on 27.12.2024 for the offence under Section 108 read with Section 3(5) of BNS. However, the ingredients of Section

108 read with Section 3(5) of BNS are not attracted to the petitioner. The petitioner did not instigate the deceased to commit suicide. The petitioner is ready to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Therefore, prays to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Assistant Public Prosecutor submitted that the investigation is not yet completed. If the petitioner is granted anticipatory bail, he will interfere with the investigation and also there is a chance to influence the witnesses. Therefore, the petitioner is not entitled for grant of anticipatory bail.

6. Learned counsel for the petitioner, by way of reply, submitted that the petitioner will not interfere with the investigation and will not try to influence the witnesses and he will cooperate with the investigation.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that prior to registration of the present crime, the petitioner lodged a complaint against the deceased on 15.12.2024 and basing on the same, a case in Crime No.674 of

2024 was registered against the deceased for the offence under Sections 329(4), 324(5), 296 of BNS. Thereafter basing on the complaint lodged by the *de facto* complainant, who is mother of the deceased Vamshikrishna, the present crime was registered against the petitioner *vide* Crime No. 700 of 2024 for the offence under Section 108 read with Section 3(5) of BNS. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1 with the following conditions:

- (i) Petitioner/accused No.1 is directed to surrender before the S.H.O., Nirmal Town P.S. on or before 02.04.2025 and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.50,000/-(Rupees Fifty thousand only), with two sureties for a like sum each to his satisfaction.
- (ii) On such release, petitioner/accused No.1 shall appear before the S.H.O., Nirmal Town Police Station on every Monday at 11-00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) Petitioner/accused No.1 shall abide by the conditions stipulated under Section 482(2) of

BNSS and shall cooperate with the Investigating Officer in the investigation.

- (iv) Petitioner/accused No.1 shall not interfere with the investigation or influence the witnesses.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 26.03.2025
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