

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4582 of 2025

ORDER:

This criminal petition is filed by the petitioners/A1 to A3 under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS) for grant of anticipatory bail to them in Crime No.46 of 2025 of Kondurg Police Station, Cyberabad District, registered for the offence punishable under Section 108 read with Section 3(5) of Bharatiya Nyaya Sanhitha, 2023 (BNS).

2. The case of the prosecution is that one Tholkatta Pedda Sathyamma filed a complaint stating that about 20 years ago, her younger son, namely, Tholkatta Mallesh loved one Chittamma, who is petitioner No.1 herein, and married her and they lived their marital life happily. Ten years prior to the present incident, when disputes with regard to conjugal life arose between them, the village elders intervened and tried to reconcile them, but in vain. Since the disputes between them escalated, the said Chittamma informed her brothers, who are petitioner Nos.2 and 3 herein. On 25.02.2025, the petitioners together

attacked the said Mallesh at their rented house at Shadnagar, beat him severely and abused him saying that if he dies, they will live happily. Due to the said incident, at 19:00 hours, Mallesh consumed pesticide and thereafter he was shifted to the hospital at Shadnagar and from there he was shifted to Gandhi Hospital, Hyderabad for better treatment and on 26.02.2025 at about 01:45 hours he died. Basing on the said complaint, Crime No.46 of 2025 was registered for the above said offences.

3. Heard Sri T. Surya Satish, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioners submits that the petitioners have not committed the offence and they were falsely implicated in the present crime filed by the de-facto complainant to dissolve the property disputes between petitioner No.1/A1 and the victim. He further submits that the petitioners have not instigated the victim to commit suicide. Hence, the ingredients of Section 108 of BNS do not attract to the petitioners. The petitioners are ready and willing to cooperate with the investigation and also abide

by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that there are specific allegations against the petitioners and at the instance of the petitioners only, the victim committed suicide and that the investigation is under progress. At this stage, if the petitioners are granted bail, there is every chance of influencing the witnesses and also interfering with the investigation.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that there are specific allegations against petitioner Nos.2 and 3/A2 and A3 that they have beaten the victim and abused him. Insofar as petitioner No.1/A1, who is the wife of the victim, is concerned, there are no specific allegations against her. More so, she is having two school going children.

7. Taking into consideration the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to petitioner Nos.2 and 3/A2 and

A3. Accordingly, this petition is dismissed against petitioner Nos.2 and 3. Insofar as petitioner No.1/A1 is concerned, this Court is inclined to grant anticipatory bail to her on the following conditions:

(1) Petitioner No.1/A1 is directed to surrender before the Station House Officer, Kondurg Police Station, Ranga Reddy District, on or before 16.04.2025.

(2) On such surrender, the Station House Officer shall release petitioner No.1/A1 on bail on her executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) with two sureties for a like sum each to the satisfaction of the said officer.

(3) On such release, petitioner No.1/A1 shall appear before the Station House Officer, Kondurg Police Station, Ranga Reddy District, on every Monday at 11:00 a.m., for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required for investigation.

(4) After release, petitioner No.1/A1 shall not interfere with the investigation and also influence the witnesses.

(5) Petitioner No.1/A1 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigating officer for conclusion of investigation.

8. Accordingly, the criminal petition is allowed in part.

No costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 08.04.2025
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