

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4783 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners/accused Nos.2, 3 and 4, seeking anticipatory bail in Crime No.46 of 2025 of Osmania University Police Station, Hyderabad, registered for the offences punishable under Sections 69 and 108 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The case of prosecution in brief is that on 06.02.2025 at about 08:00 hours, the complainant lodged a complaint with the Station House Officer, Osmania University Police Station, stating that his daughter Dasari Gouthami, is doing job at NSL Uppal, since 1½ year and on 05.02.2025 at about 10:00 hours, she informed her mother on phone that she is suffering with

fever and she will go to their relative's house at Habsiguda and on 05.02.2025 at about 18:50 hours, they received information from Osmania University Police that his daughter committed suicide by hanging in their relative's house at Habsiguda and they came to know that at that time, no one was there in their relative's house and the son of their relatives returned from school and saw her hanging to the ceiling fan with her chunni. He further stated that previously, his daughter had love affair and she might have committed suicide due to depression. Based on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. G.L.Narsimha Rao, learned counsel representing Mr. G.Vinod Kumar, learned counsel for the petitioners/accused Nos.2, 3 and 4 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they are falsely implicated in this crime only on the ground that they are the father, mother and brother-in-law of accused No.1 and the entire allegations are levelled against accused No.1 only and there are no specific allegations against the petitioners to attract the ingredients of Sections 69 and 108 of BNS and Section 3(2)(v) of SC/ST (POA) Act. He further submits that petitioners No.1 and 2 are doing agriculture and eking out their livelihood and petitioner No.3 is private employee and the entire family is dependent on his income and the petitioners are not having any criminal antecedents and accused No.1 has already been arrested and enlarged on bail *vide* order dated 08.04.2025, passed by the learned Special Judge for Trial of offences under SCs and STs (POA) Act in CrI.M.P.No.1195 of 2025 and the petitioners be granted anticipatory bail as they are ready and willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioners have committed grave offence and the investigation is under progress and if the petitioners are granted anticipatory bail at this stage, there is every chance of their influencing the witnesses and interfering with the investigation and prays to dismiss the criminal petition.

6. Having considered the rival submissions made by learned counsel for the respective parties and after perusal of the material available on record, it reveals that petitioners are father, mother and brother-in-law of accused No.1 and the entire allegations are levelled against accused No.1 only and there are no specific allegations against the petitioners and accused No.1 was already arrested and released on bail. Even according to the learned Additional Public Prosecutor, 22 witnesses were already examined and the petitioners are not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners/accused No.2, 3 and 4, subject to the following conditions:

- (i) Petitioners/Accused Nos.2, 3 and 4 are directed to surrender before the Station House Officer, Osmania University Police Station, Hyderabad, on or before 22.04.2025;
- (ii) On such surrender, the Station House Officer, Osmania University Police Station, Hyderabad, shall release the petitioners/accused Nos.2, 3 and 4 on bail on their executing personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioners/accused Nos.2, 3 and 4 shall appear before the Station House Officer, Osmania University Police Station, Hyderabad, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.

(iv) Petitioners/accused Nos.2, 3 and 4 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioners/accused Nos.2, 3 and 4 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 investigation officer for conclusion of investigation.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 16.04.2025
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J.SREENIVAS RAO, J