

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5013 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused No.1, seeking bail in Crime No.19 of 2025 of Nallakunta Police Station, Hyderabad, registered for the offences punishable under Sections 108, 85 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The case of prosecution in brief is that the *de facto* complainant has two children. His younger daughter, Arti Singh aged 24 years, married Accused No. 3. At the time of marriage, one kilogram of gold and silver was given as dowry. On 21.01.2025, the maternal uncle of the deceased, accused No.4, called the complainant and asked him to visit his home. Upon arrival, in the presence of others, the complainant spoke to the deceased. She disclosed that for the past four months, her husband's cousin, accused No. 1, had been blackmailing her. He threatened to record videos of her bathing without her knowledge and to circulate them. He also threatened to harm her brother

and husband if she revealed this to anyone. Eventually, unable to bear the harassment, the deceased informed accused No.1's parents and his wife, accused No.2. However, they accused her of falsely alleging an affair with accused No.1. This led to the in-laws of the deceased, i.e, Accused Nos. 4 and 5, rebuking her. Later, she was taken to the de facto complainant's mother-in-law Indra Singh's house in New Nallakunta, Bhayamugalli, where brother-in-law and sister-in-laws of the deceased, i.e, accused Nos. 6, 7 and 8 also verbally abused and threatened the *de facto* complainant, claiming they have evidence to prove an affair between the deceased and accused No.1. Later, accused No.3 claimed that the deceased was having an affair and stated that he doesn't need her anymore, and also said he would leave her. On 24.01.2025, at around 2:00 PM, the deceased went into the washroom and locked the door. After some time, her uncle Raju Singh broke open the door and found her hanging from the window with a saree. She was immediately taken to CC Sheraff Hospital, where the doctors declared her dead. Hence the complaint.

3. Heard Mr. Avula Venkateshwarlu, learned Senior Counsel representing Mr. Vishal Maharana, learned counsel for the

petitioner, Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1 State and Mr. Abu Akram, learned counsel for respondent No.2 *de facto* complainant.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offences and he was falsely implicated in the present crime. The petitioner never instigated the deceased to commit suicide. Even according to the allegations made in the complaint, the ingredients of Section 108 of the BNS are not attracted against the petitioner and the punishment for the other offences is less than seven years. The petitioner was arrested on 27.01.2025 and since then, he is in judicial custody. He further submitted that entire investigation is completed, except filing of the charge sheet. The other accused were already enlarged on bail. The petitioner is not having any criminal antecedents. The petitioner is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner is entitled for grant of bail.

4.1. In support of his contention, he relied upon the judgment of the Hon'ble Apex Court in **Jayedeeepsinh Pravinsinh Chavda and Ors. v. State of Gujarat**¹.

5. Learned counsel for respondent No.2 submitted that the petitioner has harassed the deceased and has taken video of the deceased when she was bathing without her knowledge and he blackmailed for money, due to the same, the deceased had committed suicide. He further submitted that there are specific allegations against the petitioner to attract the ingredients of Section 108 of the BNS. Hence, the petitioner is not entitled for grant of bail. He further submitted that the judgment relied upon by the learned counsel for the petitioner is not applicable to the facts and circumstances of the case on the ground that the above judgment arising out of the discharge application filed by the accused. Whereas, in this case, the petitioner is seeking for grant of bail.

6. Learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence. The investigation is under progress. At this stage, the petitioner is not entitled for grant of bail. He further submitted that with regard to other

¹ 2024 SCC OnLine SC 3679

accused Nos.2 to 8, the Investigating Officer has issued notice under Section 35(3) of the BNSS on 13.02.2025 and 23.03.2025.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 27.01.2025 and since then he is in judicial custody. It is noteworthy that no charge sheet has been filed till date. Even according to the learned Additional Public Prosecutor, sixteen (16) witnesses were examined. Basing on the instructions furnished by the Sub-Inspector of Police, Nallakunta, dated 09.11.2025, the Investigating Officers have issued notice under Section 35(3) of the BNSS to accused No.2 on 23.03.2025 and accused Nos.3 to 8 on 13.02.2025 and the petitioner is not having any criminal antecedents.

8. Taking into consideration the facts and circumstances of the case as well as the incarceration period, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions:

- (i) The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two sureties for a like sum each

to the satisfaction of IV Additional Chief Judicial Magistrate at Nampally, Hyderabad.

- (ii) The petitioner/accused No.1 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.
- (iii) The petitioner/accused No.1 shall not interfere with the investigation or influence the witnesses.
- (iv) The petitioner/accused No.1 shall not contact the *de facto* complainant or his family members.
- (v) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 480 (3) of BNSS.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 28.04.2025

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