

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5324 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS'), in connection with Crime No.59 of 2025 on the file of Station House Officer, Venkatapuram Police Station, Mulugu District, registered for the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The brief facts of the case are that on 19.03.2025, the Sub-Inspector of Police, Venkatapuram, Police Station, received a complaint from the complainant to the effect that her husband had brought debts for medical treatment and for cultivation of maize crop, but could not clear the same as there was no proper yield and went into depression and on the said day at about 16:30 hours, he went into the bathroom and consumed insecticide and came out from bathroom by doing

vomiting and immediately, her family members shifted him to hospital where he died while undergoing treatment. The complainant alleged that the petitioner is running seeds business and he instigated her husband to cultivate maize crop but there was no yield and when her husband requested for compensation, the petitioner refused and abused her husband due to which he got upset and committed suicide. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. G.Vasanth Rayudu, learned counsel for the petitioner/accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged against him and he has been falsely implicated in the crime based upon the statement given by LW.7 only and initially the crime was registered for the offence under Section 194 of BNS but later

the section of law was altered to Section 108 of BNS and the ingredients of Section 108 of BNS are not attracted against the petitioner as he has never instigated the deceased to commit suicide. Learned counsel further submitted that there are no allegations in the complaint that the seeds which were given by the petitioner are of sub-standard and prays to grant anticipatory bail to the petitioner bail as he is ready and willing to cooperate with the investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the bail petition stating that the investigation is in progress and at this stage, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by learned counsel for the parties and after perusal of the material available on record, it reveals that basing on the complaint lodged by the *de facto* complainant dated 21.03.2025, initially the

police registered the aforesaid crime for the offence under Section 194 of BNS but later altered the section of law to Section 108 of BNS. The record further reveals that there is no allegation against the petitioner to attract the ingredients of Section 108 of BNS and basing on the statement given by LW.7 only, the section of law was altered to Section 108 of BNS and even according to the learned Additional Public Prosecutor, seven witnesses were already examined and the petitioner is not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail in favour of the petitioner/accused subject to the following conditions:

- (i) Petitioner/Accused is directed to surrender before the Station House Officer, Venkatapuram Police Station, on or before 30.04.2025;
- (ii) On such surrender, the Station House Officer, Venkatapuram Police Station, shall release the petitioner/accused on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a

likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/accused shall appear before the Station House Officer, Venkatapuram Police Station, 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) Petitioner/accused shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner/accused 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.

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

Date: 24.04.2025
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J.SREENIVAS RAO, J