

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5429 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner in F.I.R. No.313 of 2024 on the file of S.H.O, Police Station, Bodhan Rural, Nizamabad District registered for the offences punishable under Section 194 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') which was later altered to Section 108 of Bharatiya Nyaya Sanhita, 2023 (for short BNS) and Section 3(2)(V) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989(for short SC/ST POA Act).

2. The case of the prosecution is that on 02.12.2024, at 21.10 hours, the complainant went to P.S., Bodhan Rural and lodged a complaint stating that when she was attending works in the fields, at about 16.00 hours, she received information from her younger daughter/Laxmi that Sunkari Janaki @ Manisha D/o. Gangaram has committed suicide and immediately, she went to her house and found that her daughter was laid down on the ground, then, she shifted her to Government Hospital, but she

was declared as dead. The complainant further disclosed that her daughter wrote a note as no one responsible for her death.

3. Heard Sri N.Srushman Reddy, learned counsel for the petitioner/accused and Sri Arun Kumar Doddla, learned Additional Public Prosecutor for the respondent -State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submitted that in the complaint, *de facto* complainant has not mentioned the name of the petitioner or any allegation against the petitioner and even according to the suicide note, it was written by the deceased that no person is responsible for her death. It is further contended that the crime was registered for the offence under Section 194 of BNSS and thereafter the Investigating Officers altered Section 194 of BNSS into Section 108 of BNS and Section 3 (2) (v) of the SC/ST POA Act in the absence of iota of evidence. Learned counsel for the petitioner further submitted that the petitioner never provoked or instigated the deceased to commit suicide and also contended that the petitioner is doing a private job and eking out his livelihood and the entire family is depending upon his income. He

further contended that the petitioner is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner may be enlarged on anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence, investigation is under progress and if the petitioner is granted anticipatory bail, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that initially basing on the complaint lodged by the *de facto* complainant, who is none other than the mother of the deceased, Crime No.313 of 2024 was registered for the offence under Section 194 of BNSS. Even according to the complainant, the suicide note written by the deceased, wherein it was stated that no one is responsible for her death. The record further reveals that basing upon the mobile data chatting, the petitioner was arrayed as accused and the offences were altered to Section 108 of BNS and Section 3 (2) (v) of SC/ST POA Act. Even according to the learned counsel for the petitioner, the

petitioner is not having any criminal antecedents and the same was not disputed by the learned Additional Public Prosecutor.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

- (i) Petitioner/accused is directed to surrender before the S.H.O, Police Station, Bodhan Rural, Nizamabad District on or before 13.05.2025 and on such surrender, he shall be enlarged on bail on executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only), with two sureties for a like sum each to his satisfaction.
- (ii) On such release, petitioner/accused shall appear before the S.H.O, Police Station, Bodhan Rural, Nizamabad District 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 and thereafter, as and when required.
- (iii) Petitioner/accused shall not interfere with the investigation or influence the witnesses and also directed not to contact with the *de facto* complainant or her family members.

- (iv) Petitioner/accused shall not enter into the village viz., Sangham Village of Bodhan Mandal, Nizamabad District till the investigation is completed and charge sheet is filed.
- (v) If the petitioner/accused violates any conditions as mentioned *supra*, the respondent-State can file an appropriate application to cancel the anticipatory bail of the petitioner/accused.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 07.05.2025

Sa/Bw

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