

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5572 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.3 and 4, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.89 of 2024 of Mulkanoor Police Station, Warangal District, registered for the offences punishable under Sections 108 and 292 read with 3(5) of BNS.

2. Heard Mr. B.Aravind Reddy, learned counsel for the petitioners/accused Nos.3 and 4 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that the mother-in-law of the petitioner/Accused No.3 lodged a complaint on 02.08.2024 that around 8 years back his son's marriage was performed with the Petitioner/Accused No.3 and they are blessed with 2

daughters and Petitioner No.3 had illegal contacts with accused Nos. 1 and 2 and about 2 years back, they were caught red handed and a panchayat was held in this regard, wherein petitioner /accused No.3 agreed to live with her son, but she used to talk with accused Nos. 1 and 2 and that petitioner No.3 quarrelled with her son and went to her parent's house and on 01.08.2024 at 21.00 hrs, her son made a phone call to Petitioner No.3 to collect the chit amount, but the Petitioners/Accused Nos. 3 and 4 had abused her son in filthy language and abused him and due to above abetement and by keeping the illegal contacts in mind, he committed suicide by hanging at their house.

4. Learned counsel for the petitioners/accused Nos.3 and 4 submits that the petitioners have not committed any offence and they were falsely implicated in the aforesaid crime. He further submitted that the petitioners never instigated the victim to commit suicide. Even according to the allegations

made in the complaint, ingredients under Section 108 of BNS would not attract against the petitioners. Petitioner No.1 is a housewife having two children and petitioner No.2 is suffering with old age ailments and the petitioners are not having any criminal antecedents and they are ready and willing to cooperate with the investigating officer and also abide by the conditions that may be imposed by the Court.

5. *Per Contra*, learned Additional Public Prosecutor submits that the petitioners have committed offence and the investigation is under progress and if the petitioners/accused Nos.3 and 4 is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the record, it reveals that there are no specific allegations levelled against petitioner No.2/accused No.4 to attract the ingredients under

Section 108 of BNS. The other offence levelled against petitioner No.2/accused No.4, imprisonment is below 7 years. In so far as petitioner No.1/accused No.3 there are specific allegations levelled against her. Even according to the learned Additional Public Prosecutor, the investigation is under progress.

7. Taking into consideration of the facts and circumstances and gravity of offence this Court is not inclined to grant anticipatory bail to petitioner No.1/accused No.3, on the ground that investigation is under progress. Hence, the petition stands dismissed in respect of petitioner No.1/accused No.3. Taking into consideration of the age of petitioner No.2/accused No.4 and as there are no specific allegations against her to attract the ingredients under Section 108 of BNS, this Court is inclined to grant anticipatory bail to petitioner No.2/accused No.4 subject to the following conditions:

- (i) Petitioner No.2/accused No.4 is directed to surrender before the Station House Officer,

Mulkanoor Police Station, on or before 05.05.2025;

(ii) On such surrender, the Station House Officer of Mulkanoor Police Station, shall release the petitioner on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner No.2/accused No.4 shall appear before the Station House Officer, Mulkanoor 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 for investigation.

(iv) Petitioner No.2/accused No.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.

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8. Subject to the above directions, the Criminal Petition is allowed in part. No costs.

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

Date: 30.04.2025
pss

J.SREENIVAS RAO, J

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The Hon'ble Sri Justice J.Sreenivas Rao

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pss

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