

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6365 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 petitioners/accused Nos.1 to 3 in Crime No.472 of 2025 on the file of Vanasthalipuram Police Station, Rachakonda Commissionerate registered for the offence punishable under Section 108 r/w 3(5) of Bharatiya Nyaya Sanhitha (for short 'BNS') BNS Act.

2. The case of the prosecution is that the *de facto* complainant made a complaint in which he alleged that the complainant had two sons, his elder son/deceased Potti Venkata Ramakrishna aged about 48 years working as private employee in Orange Metalics. In the year 2003, his elder son Venkata Ramakrishna got married with petitioner No.1 and they were blessed with one daughter namely Yodha, aged 13 years. After marriage, petitioner No.1 completed P.G. Later the petitioner No.1 has started harassing his son mentally. In the year 2022 his son took his wife to Hospital and spent money for her treatment since then petitioner No.1 increased harassing his son mentally, later his in-laws started harassing his son/deceased by making false allegations. In the year August, 2003, the petitioner No.1 took 40 grams of gold and around Rs.3

lakhs and went to her native place Narsaraopet, Andhra Pradesh and the petitioner No.1 also maintaining illegal affair with her friend. In the year 2003, the petitioner No.1 filed a Divorce case in the Court, after some days they asked the petitioner No.1 come and start again new conjugal life, but she denied. On 07.04.2025, his elder son/deceased went to Narsaraopet on Court hearing date and on the same day at 14.00 hours they asked his son to see his daughter for that he came to the petitioners house then they insulted and beat him, keeping the previous issues in mind. On 08.04.2025, his son/deceased wrote a letter, consumed an unknown poison and died on the spot in his apartment and further alleged that he suspect that petitioner No.1 and others are responsible for the death of his son, hence, he requested to take necessary action.

3. Heard learned counsel for the petitioners/accused Nos.1 to 3 and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent -State.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence and falsely implicated in the present crime and offence alleged under Section 108 r/w 3(5) of BNS does not attract against the petitioners. It is further averred that the petitioners never provoked or instigated the deceased to commit the suicide and also stated that the petitioners are not having any criminal antecedents. Learned counsel for the

petitioners further submitted that petitioner No.1 and deceased are residing separately and the petitioner No.1 filed H.M.O.P.No.243 of 2023 on the file of learned Senior Civil Judge, Narsaraopet seeking dissolution of marriage and the said case is pending and question of instigation of the petitioners to commit suicide by the deceased does not arise. It is further submitted that the petitioners/accused Nos.1 to 3 are 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 petitioners may be enlarged on anticipatory bail.

5. *Per contra*, the learned Additional Public Prosecutor submitted that the deceased committed suicide at the instigation of the petitioners only and in his suicide note specifically mentioned the reasons for his death. Learned Additional Public Prosecutor further submits that the petitioners have committed grave offence, investigation is under progress and if the petitioners granted anticipatory bail at this stage, they may tamper the evidence and may influence the witnesses, and hence, prayed to dismiss the petition.

6. Having considering the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that there are specific allegations leveled against the petitioners which attracted for the offence under Section 108

r/w 3 (5) of BNS. Even according to the prosecution, the deceased in his suicide note specifically mentioned that at the instance of the petitioners, he committed suicide.

7. Taking into consideration the facts and circumstances of the case and even according to the learned Additional Public Prosecutor, the investigation is under progress and the deceased specifically mentioned the names of the petitioners in his suicide note and also mentioned that the petitioners are responsible for his death and the investigation is at threshold. Therefore, taking into consideration the gravity of the offence, this Court is not inclined to grant anticipatory bail in favour of petitioner Nos.1 and 2/accused Nos.1 and 2. However, taking into consideration the age of the petitioner No.3/accused No.3 as she was aged about 70 years, this Court is inclined to grant anticipatory bail to the petitioner No.3/accused No.3 with the following conditions:

- (i) Petitioner/accused No3 is directed to surrender before the S.H.O., Vanasthalipuram Police Station on or before 13.05.2025 and on such surrender, she 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 No.3 shall appear before the S.H.O., Vanasthalipuram Police Station on every Monday at 11-00 a.m. for a

period of eight (8) weeks for the purpose of investigation and thereafter as and when required.

(iii) Petitioner/accused No.3 shall abide by the conditions stipulated under Section 482(2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

(iv) Petitioner/accused No.3 shall not interfere with the investigation or influence the witnesses.

8. Accordingly, the Criminal Petition is partly-allowed. In so far as accused Nos.1 and 2 are concerned this petition is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 07.05.2025
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