

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6488 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.58 of 2025 of Trimulgherry Police Station, Hyderabad District, registered for the offences punishable under Sections 85 and 108 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr. V.Ravi Kiran Rao, learned Senior Counsel representing Mr. Akkam Eshwar, learned counsel for the petitioner/accused No.2, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 14-03-2025, the de-facto complainant lodged a complaint, in which he stated that he got married to his cousin in the year of 2006, and they were blessed with one son. His wife has been suffering from health issues and psychiatric problems for the last 5 to 6 years and still undergoing treatment. Today, i.e., 14-03-2025, at around 3:30 PM, he saw his wife was praying, so he went to sleep, his mother and son also

sleeping in another room. At around 04:25 PM, he noticed his wife was not at home, while he was searching for her, he saw few persons surrounded the well, which is opposite to his home, then he went to check what exactly happened, and then he found his wife's body floating in the water. By that time, police and fire people came and then took out the body from the well. Immediately, 108 ambulance came and checked his wife and declared as dead. Due to depression, she might have committed suicide by jumping into the well. He has no suspicion in this matter. Therefore, he requested to take necessary action.

4. Learned senior counsel for the petitioner/accused No.2 submitted that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further submitted that the marriage of the petitioner was performed with the deceased on 30.07.2006 and they were blessed with one child who is aged about 14 years. During their marital relation, the petitioner never harassed the deceased any point of time for additional dowry. The deceased was suffering with ill health and the petitioner never instigated the deceased to commit suicide. The alleged incident was taken place on 14.03.2025, on the very same day, petitioner lodged a

complaint before Trimulgherry Police Station, Hyderabad. Basing on the said complaint, Crime No.58 of 2025 was registered for the offences under Section 194 of BNSS. After lapse of more than 12 days, the mother of the deceased lodged a complaint on 03.04.2025 and basing on the said complaint, the investigation officer altered the offence from Section 194 of BNSS to Sections 85 and 108 of BNS, though the ingredients of the 85 and 108 of BNS are not attracted against the petitioner. He further submitted that the deceased has not written any suicide note and there are no marital disputes between the deceased and the petitioner. He further submitted that the petitioner, along with accused No.1, approached this Court and filed Crl.P.No.5490 of 2025, seeking anticipatory bail on 16.04.2025 and this Court, taking into consideration that accused No.1 is a woman aged about 74 years, was pleased to allow the Criminal Petition in respect of accused No.1 by order dated 28.04.2025. Subsequent to filing of the above criminal petition, the investigation officer conducted the investigation and recorded the statement of a witness, who is the son of the deceased, wherein he specifically stated that his mother, i.e., the deceased, was suffering from ill health and has not stated anything against the petitioner about commission of offence

under Sections 85 and 108 of BNS. He further submitted that the son of the deceased is living with the petitioner and the petitioner is eking out his livelihood by doing private employment and he is not having any criminal antecedents and he is ready and willing to cooperate with the investigation officer and also abide by the conditions which are going to be imposed by this Court, and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress and at this stage if the petitioner is enlarged on anticipatory bail, there is every chance to interfere with the investigation and also influence the witness. 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 subsequent to filing of CrI.P.No.5490 of 2025, the investigation officer examined the witness, namely Syed Fouzan Ahmed, who is none other than the son of the deceased and in his statement, he has not stated anything against the petitioner. Even

according to the learned Senior Counsel, son of the deceased is living with the petitioner and 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 said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 subject to the following conditions.

1. The petitioner/accused No.2 shall surrender before the Station House Officer of Trimulgherry Police Station, Hyderabad, on or before 23.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on his executing a personal bond for Rs.30,000/- (Rupees thirty thousand only) with two sureties, for a like sum each.
2. After release, the petitioner/accused No.2 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
3. After release, the petitioner/accused No.2 shall not influence the witnesses or interfere with the investigation.
4. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

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8. Accordingly, the Criminal Petition is allowed.

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

J.SREENIVAS RAO, J

Date: 16.06.2025
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