

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6904 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.2 and 5, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.221 of 2025 of Jadcherla Police Station, Mahabubnagar District, registered for the offence punishable under Section 108 read with 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. Chalakani Venkat Yadav, learned counsel for the petitioners/accused Nos.2 and 5 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/ State.

3. The case of the prosecution is that the de facto complainant lodged a complaint on 24.03.3035 stating that she has three sons, her younger son named Pathlavath Mahesh and his marriage was solemnized with Padma one and half year back and they are blessed with one child but three months ago her daughter-in-law Padma had a quarrel with her son Mahesh and went to her parents home.

Her son Mahesh went there for her and was staying at his in. law's house at Mangalikunta Thanda. The de facto complainant further stated that her son made phone calls frequently and informed that his wife, mother-in-law, brother-in-law and others quarreled with her son, where he asked to send his wife to their home, then they quarreled with him and told that even if he dies they won't send her with him and also beat him and my son felt bad with the incident and committed suicide. On 24-03-2025, her daughter-in-law called her and informed regarding demise of her son. Then the de facto complainant and her family members rushed to the hospital and observed and expressed doubt against her daughter-in-law and her family members. Hence, lodged a complaint with a request to initiate action. Basing on the above complaint, the Police at Jadcherla registered a case in Crime No. 221 of 2025 for the offence U/s. 194 of BNSS, subsequently altered the section of law to Section 108 r/w Section 3(5) of BNSS.

4. Learned counsel for the petitioners/accused Nos.2 and 5 submits that the petitioners have not committed any offence and they were falsely implicated in the aforesaid crime. He further

submitted that there are no much allegations less specific allegations against the petitioners to attract the ingredients under Section 108 of BNS. He further submitted that the petitioners never instigated the deceased to commit suicide. Hence, the ingredients under Section 108 of BNS do not attract. He further submitted that there are matrimonial disputes pending between accused No.1 and deceased. Due to the same, the deceased committed suicide. He further submitted that accused Nos.1 and 3 were arrested on 09.04.2025 and they were enlarged on bail. He further submitted that petitioner No.1/accused no.2 is a housewife and petitioner No.2/accused No.5 is doing private job, he was never there at the time of alleged incident or at the scene of offence. He further submitted that the entire investigation is completed, except filing of the charge sheet. He further submitted that 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 grave offence and there are specific allegations leveled against the petitioners and other accused to attract the ingredients under Section 108 of BNS and the investigation is under progress and if the petitioners are granted anticipatory bail at this stage, there is every chance of they are 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 very same allegations are leveled against the other accused and accused Nos. 1 and 3 were arrested on 09.04.2025 and they were enlarged on bail, in respect of accused No.4 is concerned, the investigating officer deleted his name in the crime. Even according to the learned Additional Public Prosecutor 13 witnesses were examined and the petitioners are not having any criminal antecedents.

7. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the

petitioners/accused Nos.2 and 5 subject to the following conditions:

- (i) Petitioners/accused Nos.2 and 5 are directed to surrender before the Station House Officer, Jadcherla Police Station, on or before 25.06.2025;
- (ii) On such surrender, the Station House Officer of Jadcherla Police Station, shall release the petitioners on bail on executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) each with two sureties for a like sum each to the satisfaction of the said Officer;
- (iii) On such release, petitioners/accused Nos. 2 and 5 shall appear before the Station House Officer, Jadcherla Police Station, on every Monday at 11:00 a.m., for a period of six weeks for the purpose of investigation and thereafter, as and when required for investigation.
- (iv) petitioners/accused Nos.2 and 5 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. No costs.

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

Date: 18.06.2025
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J.SREENIVAS RAO, J

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The Hon'ble Sri Justice J.Sreenivas Rao

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