

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7683 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioner/accused No.1 in Crime No.46 of 2024 of Bahadurpura Police Station, Hyderabad, registered for the offence punishable under Section 306 r/w 34 of Indian Penal Code, 1860 (for short 'IPC').

2. The case of prosecution in brief is that on 14.02.2023, the complainant lodged a private complaint in the Court of the Special Judicial First Class Magistrate for Excise Cases at Gandhi Bhawan, Hyderabad, stating that on 16.07.2022 at about 10:00 a.m., his younger brother (deceased) went to his in-law's house along with his wife and petitioner No.1/accused No.1, who is the co-brother of the deceased, picked up a quarrel with the deceased alleging that he has illicit relation with accused No.2 (wife of petitioner No.1) and attacked the deceased with knife and humiliated him and abetted him to commit suicide by drinking acid. Thereafter, the deceased was

shifted to hospital and while undergoing treatment, he died. Based on the said complaint, the present crime was registered against the petitioner and accused No.2 for the aforesaid offences.

3. Heard Mr. V.Nageswara Rao, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this case. Learned counsel further submits that the wife of the deceased also lodged a complaint against the petitioner on 19.07.2022 on the very same allegations, and the same was registered as Crime No.181 of 2022 for the offence under Section 174 of Cr.P.C., but the investigating officer, after conducting investigation filed a final report on 28.12.2022, as 'action dropped as the deceased is committed suicide by consuming corrosive poison and no foul play is elicited.' Subsequently, after lapse of more than seven months, the complainant filed the present complaint. Learned counsel

submits that the petitioner is not aware of the present crime and he came to know about the same only one week ago when the police insisted him to appear before the Bahadurpura Police Station and even according to the allegations made in the complaint, the ingredients of Section 306 of IPC are not attracted against the petitioner. He further submitted that the complainant, without filing a protest petition, subsequent to closure of earlier case in Cr.No.181 of 2022, filed the present complaint and as such the same is not maintainable under law. He further submits that the petitioner is eking out his livelihood by doing mechanic work and he is not having any criminal antecedents and he be granted anticipatory bail as he is ready and willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress and the petitioner is not cooperating with the investigating officer since 02.03.2024 and as such, he is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by learned counsel for the respective parties and after perusal of the material available on record, it reveals that on the very same allegations, the wife of the deceased lodged complaint against the petitioner, which was registered as Cr.No.181 of 2020, but however, after conducting investigation, the said case was closed by stating as under:

‘In view of the facts came to light during the course of investigation and the evidence collected by the investigating officer and remarks submitted by the Inspector of Police, Bahadurpura Police Station, permission is hereby accorded to refer the case as “Action Dropped” as the deceased is committed suicide by consuming corrosive poison and no foul play is elicited.’

7. The record further reveals that after lapse of more than seven months from the date of the incident, the complainant filed a private complaint on 14.02.2023, on the basis of which the present crime was registered against the petitioner and other accused. It is the specific contention of the learned counsel for the petitioner that the petitioner came to know about the present crime only a week back and he is not

absconding and he owns a mechanic shop where he is doing mechanic work. Therefore, the contention raised by the prosecution that the petitioner is absconding since 02.03.2024 is not tenable under law as the same stood unsubstantiated.

7. For the foregoing reasons, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1, subject to the following conditions:

- i. The petitioner/accused No.1 shall surrender before the Station House Officer, Bahadurpura Police Station, on or before 04.07.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.1 on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum each.
- ii. On such release, petitioner/accused No.1 shall appear before the Station House Officer, Bahadurpura Police Station, on every Sunday at 11:00 a.m. for a period of six (6) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

iii. After release, the petitioner/accused No.1 shall not influence the witnesses or interfere with the investigation.

iv. Petitioner/accused No.1 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 27.06.2025
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J.SREENIVAS RAO, J