

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7870 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioners/accused Nos.1 to 3 seeking bail in Crime No.88 of 2025 of Indravelly Police Station, Adilabad District, registered for the offences punishable under Section 108 r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 10.06.2025, the complainant reported that her neighbors, Rathod Tarun, Rathod Nithish, Rathod Saroja, and Rathod Nikhil had previously threatened her husband with death if he returned to his home in Old Utnoor. These threats followed an earlier incident one year ago, during which a quarrel led to the death of Rathod Mohan, resulting in the complainant and her husband being jailed. After their release, due to fear of revenge, they stayed at her mother's house in Shankarguda village. One month ago, when her mother and a person named Ushanna went to her house, they threatened them that they will kill her son-in-law. Distressed by the threats, on 09.06.2025, her husband consumed pesticide at a government school and was declared

‘brought dead’ at RIMS, Adilabad. Basing on the same, present crime was registered.

3. Heard Mr.Mogili Anaveni, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners did not commit the alleged offences and they were falsely implicated in this crime. He further submitted that the father of petitioner Nos.1 and 2 died in the hands of the deceased and the de-facto complainant and petitioner No.2 lodged a complaint against them. Basing on the same, Crime No.109 of 2024 was registered for the offences punishable under Sections 302 and 294(b) r/w 34 of the Indian Penal Code, 1860 (for short ‘IPC’) on the file of the Utnoor Police Station, Adilabad District and the said case is pending. He further submitted that the deceased is suffering with chronic disease i.e., cancer and due to the said disease only, he committed suicide. However, with an intention to harass the petitioners, the de-facto complainant lodged the present complaint as a counter blast to Crime No.109 of 2024, though the petitioners never instigated or provoked the deceased commit suicide, hence the ingredients of Section 108 of BNS are not attracted against the petitioners. In support of his

contention, he placed photographs of the deceased. He further submitted that the petitioners were arrested on 11.06.2025 and since then they are in judicial custody and the entire investigation is completed, except filing of charge sheet. He further submitted that the petitioner Nos.1 and 2 are prosecuting degree course and petitioner No.3 is housewife and they are not having any other criminal antecedents and they 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 and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioners have committed grave offences and the investigation is under progress and if the petitioners are released on bail at this stage, they may tamper with the evidence and may threaten the witnesses, and 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 basing on the complaint lodged by petitioner No.2, Crime No.109 of 2024 was registered against the deceased and the de-facto complainant for the offences punishable under Sections 302 and 294(b) r/w 34 of the IPC, wherein, there is specific allegation against the de-facto complainant and

the deceased, that the father of petitioner Nos.1 and 2 was died in their hands and the said case is pending. According to the learned counsel for petitioners, the deceased is suffering with chronic disease i.e., cancer and due to the same only, he committed suicide and petitioners never instigated or provoked the deceased to commit suicide. To establish the said fact, he placed on record, the photographs of the deceased on 03.07.2025 and this Court directed the learned Additional Public Prosecutor to obtain instructions regarding whether the photographs in question pertain to the deceased and whether he was suffering from cancer. The learned Additional Public Prosecutor submitted that the photographs belong to the deceased and confirmed that he was suffering from cancer. Even according to the learned Additional Public Prosecutor, 15 witnesses were already examined and custodial interrogation of the petitioners is no more required and the petitioners are not having any other criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.1 to 3, subject to the following conditions:

- (i) The petitioners/accused Nos.1 to 3 shall execute a personal bond for a sum of Rs.20,000/-(Rupees twenty Thousand only) each with two sureties for a

like sum each to the satisfaction of the Judicial First Class Magistrate, at Utnoor.

(ii) The petitioners/accused Nos.1 and 2 shall appear before the concerned SHO at 11.00 A.M. on every Tuesday, for a period of six (6) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, the petitioners/accused Nos.1 to 3 shall not influence the witnesses or interfere with the investigation.

(iv) The petitioners/accused Nos.1 to 3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:07.07.2025

Vsl