

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12652 of 2025

This Criminal Petition is filed before this Court for grant of pre-arrest bail to the Petitioner who is arrayed as Accused No.1 in FIR No.293 of 2025 of LMD Colony Police Station, Karimnagar District, registered for the offence punishable under Section 108 of BNS.

2. The brief facts of the case are that, on 10.08.2025, the de-facto complainant lodged a report before the police stating that Accused Nos.1 to 4 have borrowed money from the complainant's son/deceased for their personal needs, later when the deceased asked them to repay his money, they refused to repay money to the deceased which they have borrowed from him. In which the accused A-1 borrowed Rs.2,30,000/-, A-2 borrowed Rs.2,60,000/-, A3 borrowed Rs.1,50,000/- and A-4 borrowed Rs.4,00,000/- from the deceased. All the accused have bluntly refused to repay money and harassed the deceased and even after the deceased expressed his mental agony by saying that there is no way except dying if they do not repay money to him. The deceased committed suicide on 30.07.2025 and died on 10.08.2025.

Hence, the complainant requested to take necessary action. Basing on the said complaint, the police registered a case for the above said offence.

3. Heard Sri Boddupally Yadaiah, learned counsel appearing on behalf of the petitioner as well as Sri Arun Kumar Doddla, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence. It is further submitted that, even according to the complaint, there is no abetment committed by the petitioner herein and mere allegation of borrowing the money from the deceased and non-repayment of money to the deceased, without any proximate and deliberate act intend to drive the deceased to commit suicide, cannot constitute an offence under Section 108 of BNS. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations leveled against the

petitioner are serious in nature. It is further submitted that the dying declaration was recorded by the concerned judicial officer, wherein he clearly stated the name of the petitioner herein that the petitioner herein has borrowed Rs.2,30,000/- from the deceased and also two others and when the deceased argued for the same, the petitioner herein refused to repay the money to the deceased. It is further submitted that, as the name of the petitioner herein is in the dying declaration, it has to be investigated and a custodial interrogation is required for further investigation. Therefore, he prayed the Court to dismiss the criminal petition.

6. In light of the submissions made by both the learned counsel and upon perusal of the material available on record, it appears that the petitioner herein has borrowed Rs.2,30,000/- from the deceased and has not abetted the deceased and in the dying declaration, there is no such words mentioned by the deceased that the petitioner herein has abetted the deceased to commit suicide. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest 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, LMD Colony Police Station, Karimnagar District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail, on petitioner executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, for the like sum each.
- ii. The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner/Accused No.1 shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m.,

till the filing of the charge sheet and
thereafter, as and when required.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand
closed.

Date: 07.10.2025
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K. SUJANA, J

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