

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12834 of 2025

This Criminal Petition is filed before this Court for grant of pre-arrest bail to the Petitioners who are arrayed as accused Nos.1 to 3 in FIR No.39 of 2025 of Bhainsa Rural Police Station, Nirmal, registered for the offences punishable under Sections 108 read with 3(5) of the BNS.

2. The brief facts of the case are that, on 07.02.2025, the de-facto complainant lodged a report before the police stating that two years ago, her brother (the deceased) was married to Gangothri from Wanalpad village. A year later, she became pregnant. After that, she went to her parental home in Wanalpad and did not return to her matrimonial home in Kothalgaon village. Despite this, the accused persons (Accused Nos. 1 to 3) did not make any effort to send her back to her in-laws' house. About five months ago, she gave birth to a baby boy. Thereafter, the complainant's family went to Wanalpad and requested the accused persons to send her back to Kothalgaon village along with the child. However, the accused refused and quarreled with them. After this incident, her brother fell into depression and committed suicide on 06.02.2025 by hanging himself with a green saree at his residence. He was deeply distressed with his life due to the actions of the accused persons, which ultimately drove him to take the extreme step. Hence, the complainant requested to take necessary

action. Basing on the said complaint, the police registered a case for the above said offences.

3. Heard Sri M.A.K.Mukheed, learned counsel appearing on behalf of the petitioners as well as Sri E.Ganesh, learned Assistant Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the petitioners submitted that no act of abetment was committed by the petitioners. The petitioners are innocent of the alleged offences. It is further submitted that, even according to the complaint, the deceased had requested the petitioners to send his wife along with him about five months prior to his death, and he subsequently committed suicide on 06.02.2025. Therefore, there is no nexus between the said incident and the act of suicide. As such, there is no offence of abetment of suicide committed. Therefore, he prayed the Court to grant pre-arrest bail to the petitioners by allowing this criminal petition.

5. On the other hand, the learned Assistant Public Prosecutor opposed the submissions made by the learned counsel for the petitioners, stating that there are clear allegations against the petitioners. He further submitted that custodial interrogation is necessary. Therefore, he prayed the Court dismiss the criminal petition.

6. Considering the submissions made by both learned counsel and upon perusal of the material available on record, it appears that the petitioners herein are accused No. 1, who is the mother-in-law; accused No. 2, the brother-in-law; and accused No. 3, a relative of the deceased. The allegation is that, as the petitioners refused to send his wife, he committed suicide. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioners/accused Nos.1 to 3, subject to the following conditions:

- i. The petitioners/Accused Nos.1 to 3 shall surrender before the Station House Officer, Bhainsa Rural Police Station, Nirmal, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail, on petitioners executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, for the like sum each.
- ii. The petitioners/Accused Nos.1 to 3 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 petitioners/Accused Nos.1 to 3 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: 13.10.2025
dsv

K. SUJANA, J

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