

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15475 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.1 to 3 in Crime No.202 of 2024 of Amberpet Police Station, Hyderabad.

2. The brief facts of the case are that on 24.03.2024, Srisailam Kurma, received a complaint from his neighbor regarding the death of his son, Ande Manikanta, who was married to Lavanya @ Preethi. However, their marriage was troubled, with Lavanya @ Preethi allegedly harassing his son for money and shopping. She also quarreled with his daughters and abused his son, demanding that he dispose of her parents' court Cases. On 19.03.2024, Lavanya @ Preethi left his home after a quarrel, and five days later, his son was found dead, having committed suicide by hanging.

3. Heard Sri B. Vamshidhar Reddy, learned counsel for petitioners, and Sri Syed Yasan Mamoon, learned Additional Public Prosecutor appearing on behalf of respondent - State.

4. Learned counsel for the petitioners submitted that the police erred in registering subject crime against petitioners without ascertaining facts and circumstances and that the petitioners were implicated without substantial evidence, and the Police altered the charges from Section 174 Cr.PC to Sections 306, 352, 504, and 34 of IPC without proper investigation. He further submitted that the petitioners are innocent, and no case is made against them. He contended that the deceased suffered from health issues, including psoriasis, and was undergoing treatment and that the petitioners' allegations against the complainant were ignored, and they were falsely implicated. The police investigation is completed, except for filing a charge sheet. Therefore, he prayed the Court to grant pre-arrest bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the bail petition stating that the allegations leveled against the petitioners are serious in nature. Further, the investigation was not yet completed. At this stage, granting of bail to the petitioners does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the allegations leveled against petitioners are that they used to humiliate the deceased straightaway saying that he is useless. Admittedly, as on the date of commissions of suicide, petitioners were not residing with the deceased. Moreover, learned counsel for the petitioners submitted that petitioner No.1 and deceased were blessed with child who is now five years old, and that if petitioners are arrested, child would suffer irreparable loss. That being so, considering the fact that the material part of the investigation is done by the Police, and on considering the circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioners,

subject to compliance of following conditions, and ensuring their presence during the investigation and trial:

- i. The petitioners shall surrender before the Station House Officer, Amberpet Police Station, Hyderabad, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail, on them executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioners 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.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.01.2025
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