

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8373 OF 2026

DATE : 24.06.2026

Between:

Mekala Bhagyamma and Others

...Petitioners

AND

The State of Telangana

...Respondent

ORDER:

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioners are arrayed as accused Nos.1 to 3 in FIR No.256 of 2026 on the file of Medak Town Police Station, Medak District registered for the offences punishable under Section 108 of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Mr.Ch.Ravinder, learned counsel for the petitioners and Mr.Syed Yasar Mahmood, the learned Additional Public Prosecutor representing the respondent-State.

4.1. The prosecution case, in brief, is that the de facto complainant, who is the father of the deceased, lodged the present complaint alleging that a longstanding dispute existed between his family and the petitioners concerning certain agricultural land. According to the complaint, although the subject property had allegedly fallen to the share of the complainant's daughter (the deceased) in a family arrangement, the petitioners succeeded in securing revenue pattas, mutation entries and pattadar passbooks in their favour by resorting to allegedly fabricated, irregular or manipulated revenue proceedings. It is further alleged that the property originally stood in the name of one Mekala Kishan and that the petitioners subsequently asserted rights thereover by obtaining favourable revenue entries. The complaint further states that the husband of the deceased had earlier committed suicide allegedly because of his inability to secure his legitimate share in the disputed property and the continuous pressure arising from the unresolved land dispute. According to the prosecution, the said dispute had remained a source of persistent mental anguish to the deceased and her family.

4.2. It is specifically alleged that on 25.05.2026, the petitioners telephoned the lessee who was cultivating the disputed land and threatened him with consequences if he continued the lease arrangement in favour of the deceased. The lessee is stated to have immediately

informed the deceased of the said conversation. The prosecution alleges that the information so conveyed caused the deceased severe mental trauma and emotional distress. It is further alleged that on 30.05.2026, the de facto complainant found his daughter in a critical condition after she had allegedly consumed poison. She was immediately shifted to a nearby hospital for treatment; however, despite medical intervention, she succumbed while undergoing treatment. Contending that the conduct of the petitioners had driven the deceased to take the extreme step of ending her life, the de facto complainant lodged the present report, on the basis of which the subject crime came to be registered for the offence punishable under Section 108 of the BNS.

5.1. Learned counsel for the petitioners contends that the allegations in the complaint, even if accepted at their face value, do not disclose the essential ingredients of the offence punishable under Section 108 of the BNS. It is submitted that there is no material to establish any act of instigation, intentional aid or active participation on the part of the petitioners, nor the requisite *mens rea* necessary to constitute the offence of abetment of suicide. The only allegation is that the petitioners had allegedly telephoned the lessee of the disputed land and advised or threatened him not to continue the lease, which information was subsequently conveyed by the lessee to the deceased. According to the

learned counsel, such an indirect allegation, in the absence of any direct interaction or overt act attributable to the petitioners towards the deceased, cannot amount to abetment within the meaning of Section 108 of the BNS.

5.2. Learned counsel further submits that the dispute between the parties is essentially civil in nature, arising out of rival claims over agricultural property. It is contended that the petitioners have been holding pattadar passbooks and revenue entries in their favour since the year 2010 pursuant to proceedings before the competent revenue authorities, and that no criminal proceedings alleging fabrication or forgery of revenue records had ever been initiated against them. It is therefore argued that the present criminal case is an attempt to give a criminal colour to a longstanding civil dispute.

5.3. Placing reliance upon the decisions of the Hon'ble Supreme Court in *M. Mohan v. State represented by the Deputy Superintendent of Police*, (2011) 3 SCC 626; *Geo Varghese v. State of Rajasthan*, (2021) 19 SCC 144; and *Gurcharan Singh v. State of Punjab*, (2020) 10 SCC 200, learned counsel submits that an offence of abetment of suicide is made out only where there is a clear act of instigation, intentional aid or active participation having a proximate nexus with the commission of suicide, and

that mere harassment or disputes arising out of civil transactions, without any direct incitement, do not satisfy the statutory requirements.

5.4. Learned counsel further submits that the petitioners are permanent residents, are willing to cooperate with the investigation, shall abide by any conditions imposed and have previously been granted anticipatory bail in a similar matter. On these grounds, it is prayed that the petitioners be enlarged on anticipatory bail.

6.1. Per contra, the learned Additional Public Prosecutor vehemently opposes the application and submits that the allegations contained in the complaint, read in conjunction with the material collected during the preliminary stage of investigation, prima facie disclose the commission of the alleged offence. It is contended that the petitioners, despite being fully aware of the ongoing land dispute and the fragile emotional condition of the deceased, deliberately threatened the lessee not to continue cultivation of the disputed land, thereby depriving the deceased of the only source of enjoyment of the property claimed by her. According to the prosecution, the communication of the said threat by the lessee caused immense mental trauma to the deceased, ultimately driving her to take the extreme step.

6.2. The learned Additional Public Prosecutor further submits that the investigation is still at a nascent stage and that custodial interrogation may become necessary for collecting further material regarding the circumstances leading to the commission of the offence, including the antecedent land transactions, the communications between the parties and the motive underlying the alleged conduct. It is therefore argued that grant of anticipatory bail at this stage may prejudice the investigation and accordingly, dismissal of the application is sought.

7. I have considered the rival submissions and carefully perused the material available on record.

8. The principal allegation against the petitioners is that they telephoned the lessee cultivating the disputed agricultural land and warned him not to continue the lease arrangement and that the said information was thereafter conveyed by the lessee to the deceased, allegedly causing her severe mental distress, which ultimately culminated in the commission of suicide.

9. At this stage of the investigation, there is no material presently placed before this Court to indicate that the petitioners had either directly communicated with the deceased or had intentionally engaged in any conduct calculated to drive her to commit suicide. The allegations

essentially arise out of an admittedly longstanding dispute relating to agricultural property, which appears to have generated multiple civil and revenue claims between the parties.

10. The settled position of law is that, in order to constitute the offence of abetment of suicide, there must ordinarily exist a clear mens rea on the part of the accused, coupled with a positive act of instigation, conspiracy or intentional aid having a proximate nexus with the commission of suicide. Mere harassment, civil disputes, property disputes or conduct capable of causing mental stress, without something more indicating an intention to provoke or compel the deceased to commit suicide, would not ordinarily satisfy the statutory requirements of Section 108 of the BNS. Whether the conduct alleged against the petitioners ultimately satisfies these ingredients is a matter requiring thorough investigation and appreciation of evidence during trial.

11. It is equally significant that the prosecution has not, at this stage, placed before this Court any material demonstrating that custodial interrogation of the petitioners is indispensable for the purposes of a fair and effective investigation. The petitioners have expressed their willingness to cooperate with the investigating agency and have

undertaken to comply with every condition that may be imposed by this Court.

12. Having regard to the nature of the allegations, the antecedent civil dispute relating to the property, the limited role presently attributed to the petitioners, the absence, at this stage, of material disclosing direct instigation or intentional aid immediately preceding the suicide, the principles governing anticipatory bail and balancing the need for an unhindered investigation with the petitioners' fundamental right to personal liberty, this Court is of the considered opinion that petitioners made out a fit case for grant of anticipatory bail.

13. Accordingly, the Criminal Petition is allowed. The petitioners shall be enlarged, subject to the following conditions:

(A) The petitioners/Accused Nos.1 to 3 shall surrender before the Station House Officer, Medak Town Police Station, Medak District on or before 09.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioners shall appear before the Investigating officer as and when required and shall cooperate with the investigation in all respects.

(C) The petitioners shall furnish their complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioners shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall they tamper with the prosecution evidence in any manner whatsoever.

14. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case.

Miscellaneous applications, if any pending, shall stand closed.

Date : 24.06.2026

CHS

N.TUKARAMJI, J

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

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