IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.9258 OF 2026

DATE : 29.06.2026

Between:

Donga Ramu

...Petitioner-accused

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 petitioner is arrayed as accused in FIR No.83 of 2026 on the file of Kothagudem I Town Police Station, Bhadradri Kothagudem District, registered for the offences punishable under Sections 75, 78 and 108 of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Mr.B.Bhagath Sain, learned counsel for the petitioner and learned Additional Public Prosecutor representing the respondent-State.

4. The prosecution case, in brief, is that the petitioner was acquainted with the deceased and her family had frequently visited her. It is alleged

that he sexually harassed her by stalking her, and that the deceased had informed her sister about such conduct. According to the prosecution, owing to the petitioner's conduct, which allegedly amounted to abetment, the deceased decided to commit suicide by consuming poison on 02.06.2026. She was admitted to the hospital for treatment but subsequently succumbed to the poison. Upon the complaint crime has been registered.

5.1. Learned counsel for the petitioner submits that the allegations against the petitioner are baseless and that he has been falsely implicated in the crime. He further submits that, even according to the averments in the complaint, when the deceased complained of illness, it was the petitioner who, at her request, shifted her to the hospital. It is further contended that, prior to the death of the deceased, neither the deceased nor any of her family members had lodged any complaint against the petitioner.

5.2. Learned counsel further submits that, even if the allegations contained in the complaint are accepted at their face value, they do not disclose any act of abetment or any active conduct on the part of the petitioner that could have driven the deceased to commit suicide. He contends that there are no allegations indicating that the petitioner had placed the deceased in such compelling circumstances that she was left with no option except to take the extreme step of ending her life. In the

absence of any material, much less prima facie material, indicating such circumstances, the ingredients of the offence punishable under Section 108 of the BNS, are not attracted.

5.3. It is further submitted that the petitioner is ready and willing to cooperate with the investigation in all respects, shall appear before the Investigating Officer as and when required, and undertakes to abide by any condition that may be imposed by this Court. Placing reliance on *Jayedeepsinh Pravinsinh Chavda and Others v. State of Gujarat*[1], and *Crl.P.No.4729 of 2022*, dated 06.08.2022 of the High Court of Andhra Pradesh, learned counsel submits that it is well settled that mere allegations of harassment, without anything more, are insufficient to attract the ingredients of the offence under Section 306 of the Indian Penal Code (corresponding to Section 108 of the BNS). It is contended that there must be material demonstrating a direct or indirect act of instigation that led to the commission of suicide. Since no overt acts constituting such instigation are attributed to the petitioner, learned counsel prays that this Court may extend the benefit of anticipatory bail.

6. Learned Additional Public Prosecutor opposed the bail petition, submitting that the investigation is still in progress. It is contended that the de facto complainant has specifically narrated in her complaint the acts allegedly committed by the petitioner, and that the statements recorded by

[1] (2025) 2 SCC 116

the Investigating Officer, including the statement of the deceased's sister, corroborate the allegations made in the complaint. It is, therefore, submitted that a prima facie case is made out against the petitioner. Learned Additional Public Prosecutor further submits that the custodial interrogation of the petitioner may be necessary for the purpose of a fair and effective investigation and, therefore, prays for dismissal of the bail petition.

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

8. The de facto complainant has narrated in the complaint certain acts allegedly committed by the petitioner against the deceased, which, according to the prosecution, had been communicated by the deceased to her sister, who is another sister of the de facto complainant. The statement of the said witness, recorded during the course of investigation, substantially corroborates the averments contained in the complaint and indicates that the deceased had informed her regarding the conduct allegedly exhibited by the petitioner.

9. At this stage, however, it is trite that while considering an application for anticipatory bail, the Court is not expected to undertake a meticulous examination of the evidentiary value of the materials collected during investigation or to record findings on the merits of the allegations. The

Court is only required to ascertain whether the custodial interrogation of the accused is necessary and whether the parameters governing the grant of anticipatory bail warrant the exercise of judicial discretion in favour of the applicant.

10. It is well settled that the offence of abetment of suicide is not attracted merely because allegations of harassment have been made. To constitute the offence under Section 108 of the BNS (corresponding to Section 306 of the Indian Penal Code), the prosecution must prima facie establish the existence of instigation, intentional aid, or active participation on the part of the accused, coupled with a proximate nexus between such conduct and the commission of suicide. Mere allegations of harassment, in the absence of a direct or indirect act of incitement or intentional provocation leading the deceased to commit suicide, would not, by themselves, satisfy the essential ingredients of the offence. This principle has been consistently reiterated by the Hon'ble Supreme Court in *Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618; *M. Mohan v. State*, (2011) 3 SCC 626; *Gurcharan Singh v. State of Punjab*, (2020) 10 SCC 200; and more recently in *Jayedeepsinh Pravinsinh Chavda (supra)*, wherein it has been held that there must exist a clear *mens rea* to instigate or aid the commission of suicide, and that ordinary discord or allegations of harassment, without more, would not constitute abetment.

11. In the instant case, although the allegations made in the complaint and the statement of the de facto complainant prima facie disclose the alleged conduct of the petitioner, it is also a relevant circumstance that no complaint appears to have been lodged by the deceased or any of her family members during her lifetime regarding such alleged conduct. Whether the allegations ultimately satisfy the ingredients of abetment is a matter to be established during the course of investigation and, if necessary, at trial.

12. Having regard to the nature of the allegations and the material presently available on record, this Court does not find any specific circumstance demonstrating that the custodial interrogation of the petitioner is indispensable for the purpose of effective investigation. The prosecution has also not placed any material to indicate that, if enlarged on anticipatory bail, the petitioner is likely to abscond, tamper with the prosecution evidence, influence the witnesses, or otherwise obstruct the course of investigation. On the contrary, the petitioner has expressed his willingness to cooperate with the Investigating Officer and to comply with any condition that may be imposed by this Court.

13. In view of the aforesaid facts and circumstances, and without expressing any opinion on the merits of the case, this Court is of the considered opinion that the petitioner has made out a fit case for the

exercise of discretion under Section 482 of the BNSS. Accordingly, the prayer for grant of anticipatory bail deserves to be favourably considered.

14. Accordingly, the Criminal Petition is allowed. The petitioner shall be enlarged on anticipatory bail, subject to the following conditions:

(A) The petitioner/Accused shall surrender before the Station House Officer, Kothagudem I Town Police Station, Bhadradri Kothagudem District on 13.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release him 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 petitioner shall appear before the Investigating officer on Saturday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

(C) The petitioner shall furnish his complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

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

(E) The petitioner shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(F) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioner liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

15. 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.

N.TUKARAMJI, J

Date: 29.06.2026

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