IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.17784 OF 2026

(CNR No. HBHC010743912026)

DATE: 03.11.2026

Between :

Gorikela Beerappa and Others

… Petitioners

AND

The State of Telangana

… Respondent

ORDER:

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

2. The petitioners are arrayed as the accused Nos.1 to 5 in Crime No.335 of 2026 on the file of Kandukur Police Station, Future City, facing accusations under Sections 85, 108 read with 3(5) of *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr.B.Shiva Kumar, learned counsel for the petitioners, Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State and Mr.Kongala Mohan Goud, learned counsel for de facto complainant.

4.1. The prosecution case, in brief, is that on 04.10.2026, the mother of the deceased lodged a report stating that her daughter was married to accused No.1. After the marriage, accused No.1 allegedly developed and maintained extramarital relationships, on account of which he subjected the deceased to physical and mental harassment. Due to such conduct, the deceased had, on an earlier occasion, attempted to commit suicide by consuming pesticide. It is further alleged that accused No.1 continued to harass the deceased by frequently picking up quarrels and abusing her in filthy language.

4.2. In this backdrop, on 02.10.2026, after the completion of the death ceremony of the mother of accused No.1, the petitioners herein, along with the other accused, allegedly picked up a quarrel with the deceased and abused her in filthy language. It is further alleged that accused No.5 caught hold of the deceased by her tuft of hair and beat her. Even at that juncture, accused No.1, instead of supporting his wife, allegedly instigated the others to beat her. Unable to bear the alleged harassment and humiliation, the deceased is stated to have committed suicide by hanging herself from the ceiling fan in her room situated on the first floor on 04.10.2026. Basing on the said report, the present crime came to be registered.

5.1. Learned counsel appearing for the petitioners submits that, during the pendency of these petitions, petitioner Nos.1, 4 and 5, who are accused

Nos.1, 4 and 5, respectively, have been taken into police custody. In view of the same, the petitions insofar as they relate to the said petitioners are not pressed.

5.2. With regard to petitioner Nos.2 and 3, learned counsel submits that they are in no way concerned with the matrimonial affairs of accused No.1 and the deceased. Even as per the allegations contained in the complaint, their alleged involvement is confined to their presence and participation in the altercation that took place on 02.10.2026. However, there is no specific allegation against them which would satisfy the ingredients of abetment to suicide. It is further contended that the alleged incident took place on 02.10.2026, whereas the deceased committed suicide on 04.10.2026, after a lapse of two days, and, therefore, the alleged incident cannot be regarded as a proximate occurrence having a direct nexus with the deceased's decision to commit suicide.

5.3. Learned counsel further submits that the petitioners are ready and willing to cooperate with the investigation and abide by any conditions that may be imposed by this Court. They have no criminal antecedents and are permanent residents of their respective places of abode. It is also contended that their custodial interrogation is not necessary for the effective investigation of the case, particularly when they are willing to extend their full cooperation to the investigating agency. On these grounds,

learned counsel seeks grant of anticipatory bail to petitioner Nos.2 and 3, who are accused Nos.2 and 3, respectively.

6. Per contra, learned Additional Public Prosecutor vehemently opposes the petitions and submits that the names of the petitioners have been specifically mentioned in the report lodged by the de facto complainant. He further submits that the investigation is still in progress and that the custodial presence of the petitioners may be necessary for the effective and proper investigation of the case. It is also submitted that, so far, the investigating agency has examined 17 witnesses in connection with the case. In view of the nature of the allegations and the stage of the investigation, learned Additional Public Prosecutor prays for dismissal of the petitions.

7. Learned counsel appearing for the de facto complainant also opposes the petitions and submits that the petitioners were actively involved in the incident which allegedly caused severe mental distress to the deceased and ultimately drove her to commit suicide. It is contended that, having been subjected to such harassment and humiliation, the deceased felt that she had no other option and took the extreme step of ending her life. Learned counsel further draws the attention of this Court to certain selfie videos allegedly recorded by the deceased prior to committing suicide, wherein the names of the petitioners are stated to have been

referred to. It is submitted that, having regard to the contents of the said videos and the ongoing investigation, the custodial presence of the petitioners may be necessary to ascertain certain material aspects of the case and to facilitate an effective investigation. It is further apprehended that, if anticipatory bail is granted, the petitioners may not extend proper cooperation to the investigating agency. On these grounds, learned counsel for the de facto complainant also prays for dismissal of the petitions.

8. I have considered the rival submissions and perused the material on record.

9. The gravamen of the allegations against the petitioners is that they subjected the deceased to matrimonial cruelty and thereby abetted her suicide. However, a prima facie examination of the complaint reveals that the specific allegations against petitioner Nos.2 and 3 (accused Nos.2 and 3) are confined to the incident dated 02.10.2026, wherein they allegedly participated in the altercation and abused the deceased in filthy language. Except for the said allegations, no other specific overt act or conduct indicating their involvement in instigating or intentionally aiding the deceased to commit suicide is attributed to them.

10. To attract the offence punishable under Section 108 read with Section 45 of the BNS, the prosecution must prima facie disclose acts of instigation, intentional aid or participation in a conspiracy accompanied by an act or illegal omission in pursuance thereof, coupled with the requisite *mens rea.* Mere participation in a quarrel or use of abusive language, without anything further demonstrating instigation or intentional aid, would not, by itself, constitute abetment of suicide. In *S.S. Chheena v. Vijay Kumar Mahajan*, (2010) 12 SCC 190, and *Amalendu Pal alias Jhantu v. State of West Bengal*, (2010) 1 SCC 707, the Hon'ble Supreme Court emphasised the necessity of a positive act indicating instigation or intentional aid and its proximate connection with the commission of suicide. Further, in *Prakash and Others v. State of Maharashtra*, 2024 INSC 1020, the Hon'ble Supreme Court reiterated the requirement of the requisite *mens rea* and positive conduct having a proximate nexus with the act of suicide.

11. In the present case, though the alleged incident occurred on 02.10.2026 and the deceased committed suicide on 04.10.2026, the intervening period of two days, by itself, cannot be treated as conclusive of the absence of abetment. Nevertheless, considering the specific allegations and the individual roles attributed to petitioner Nos.2 and 3, the material presently placed before this Court does not prima facie disclose any

specific act of instigation or intentional aid on their part beyond their alleged participation in the said altercation.

12. At this stage, while considering the prayer for anticipatory bail, this Court is not expected to undertake a meticulous appreciation of the prosecution material or record conclusive findings on disputed questions of fact, particularly with regard to the petitioners' alleged involvement in abetting the suicide. Whether their conduct, considered along with the other material collected during investigation, ultimately satisfies the ingredients of abetment is a matter for further investigation and, if necessary, trial. Any definitive conclusion in that regard at this interlocutory stage would be premature.

13. In the present case, having regard to the specific allegations against petitioner Nos.2 and 3, the absence of any other specific overt act presently attributed to them and the stage of investigation, this Court is of the considered view that the prosecution has not demonstrated the necessity of their custodial interrogation. Accordingly, considering the totality of the circumstances and the individual roles attributed to the petitioners, this Court is inclined to grant anticipatory bail to petitioner Nos.2 and 3, subject to appropriate conditions to secure their availability during investigation and subsequent judicial proceedings.

14. Accordingly, the Criminal Petition is allowed, subject to following conditions.

(A) The petitioners/accused Nos.1 to 5 shall surrender before the Station House Officer, Kandukur Police Station, Future City, on or before 18.11.2026. 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 from the date of their release on bail or until the filing of the final result, whichever is earlier.

(C) The petitioners shall remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

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

(E) 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.

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

(G) Any willful breach or violation of any of the aforesaid conditions shall render the petitioners 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: 03.11.2026
CHS

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