IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.18277 OF 2026

(CNR No. HBHC010763302026)

DATE: 12.11.2026

Between :

Mrs.Sadiya Tabassum

… Petitioner

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 petitioner is arrayed as the sole accused in Crime No.457 of 2026 under head, Man Burns, on the file of Zahirabad Town Police Station, Sangareddy District.

3. Heard Mr.C.Sunil Anand, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that on 17.10.2026, the brother of the deceased lodged a report stating that the deceased was married to the petitioner herein and that, since their marriage, the petitioner had been subjecting him to harassment in connection with matrimonial and family issues, resulting in frequent quarrels between them. He further stated that the matter had been referred for counselling on two or three occasions. On 13.10.2026, at about 10:30 P.M., following a quarrel with the petitioner over a family issue, the deceased allegedly became distressed, poured petrol on himself and set himself ablaze. He was initially shifted to the Government Hospital, Zaheerabad, and was subsequently referred to Gandhi Hospital, Secunderabad, for better treatment. Based on the said report, a case in Crime No.457 of 2026 was registered under the head of *Man Burns*. During the course of investigation, pursuant to the Dying Declaration of the deceased, the section of law was altered to Section 108 of the BNS.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the case. It is contended that the deceased was addicted to alcohol, failed to support the petitioner and that the petitioner herself contributed towards the maintenance of the matrimonial home. According to the learned counsel, the deceased used to demand money from the petitioner to meet his drinking expenses and subjected her to harassment. In this regard, the petitioner lodged a

complaint before the Women's Police Station, Sangareddy. However, following the intervention of elders, the dispute was amicably resolved and the complaint was withdrawn. Although the deceased had assured the petitioner that he would mend his ways and would not subject her to further harassment, he allegedly continued his conduct. It is further submitted that the deceased and his family members used to assault the petitioner and that, on one such occasion, the police at Zaheerabad intervened and shifted her to her parental home. However, on the same night, the deceased committed suicide. Learned counsel contends that there was no proximate incident or quarrel between the petitioner and the deceased preceding the incident. It is further argued that even if the matrimonial disputes referred to by the deceased are taken into consideration, the same, by themselves, do not constitute instigation or abetment to commit suicide. The petitioner is willing to cooperate with the investigation and abide by any conditions that may be imposed by this Court. On these grounds, learned counsel seeks grant of anticipatory bail to the petitioner.

6. Per contra, learned Additional Public Prosecutor opposes the petition, contending that specific allegations have been made against the petitioner. It is submitted that, in his Dying Declaration, the deceased specifically attributed his mental distress to the conduct of the petitioner and stated that her conduct had driven him to take the extreme step of

committing suicide. Learned Additional Public Prosecutor further submits that the petitioner is presently unavailable for investigation and that, if granted pre-arrest protection, she may fail to cooperate with the investigation or tamper with the evidence. Accordingly, the learned Additional Public Prosecutor seeks dismissal of the petition.

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

8. The gravamen of the allegations against the petitioner is that she used to quarrel with the deceased over matrimonial disputes and that, following a quarrel on the relevant date, the deceased, allegedly being distressed, committed suicide. The prosecution primarily relies upon the Dying Declaration, wherein the deceased attributed his mental distress to the petitioner's conduct. The question for consideration is whether the allegations prima facie constitute abetment of suicide punishable under Section 108 read with Section 45 of the BNS. Under Section 45 of the BNS, abetment requires instigation, conspiracy accompanied by an act or illegal omission in pursuance thereof, or intentional aid.

9. Mere matrimonial discord, harassment or frequent quarrels, by themselves, would not necessarily constitute abetment unless the requisite intention and proximate connection with the suicide are prima facie

established. In *Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618, the Hon'ble Supreme Court explained that instigation involves provoking, inciting or encouraging a person to commit an act, with the requisite intention discernible from the conduct and surrounding circumstances. Similarly, in *M. Mohan v. State*, (2011) 3 SCC 626, the Supreme Court emphasised the necessity of *mens rea* and an active or direct act having a causal connection with the suicide.

10. In the present case, though the Dying Declaration refers to the petitioner and her alleged quarrelsome conduct, the precise nature and circumstances of such conduct and whether it constitutes instigation or intentional aid require further investigation. The attribution of mental distress to the petitioner, by itself, cannot be treated as conclusive of abetment. The evidentiary value of the Dying Declaration and the ultimate culpability of the petitioner must be assessed at the appropriate stage. At this stage, only a prima facie assessment is warranted, without undertaking a meticulous appreciation of the evidence.

11. The investigation is still underway, and the circumstances surrounding the incident warrant further examination. However, the prosecution has not demonstrated any specific or compelling necessity for the petitioner's custodial interrogation. The mere pendency of an investigation, by itself, cannot constitute a valid ground for denying

anticipatory bail. Any apprehensions expressed by the prosecution can adequately be addressed by imposing appropriate conditions to safeguard the investigation. Having regard to the nature of the allegations, the material presently available on record, the stage of the investigation, the absence of any demonstrated necessity for custodial interrogation, and the petitioner's willingness to cooperate with the investigating agency, this Court is of the considered view that it would be just and appropriate to grant anticipatory bail, subject to such conditions as may be necessary to ensure the petitioner's cooperation with the investigation and to prevent any interference with the evidence or witnesses.

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

(A) The petitioner/accused shall surrender before the Station House Officer, Zahirabad Town Police Station, Sangareddy District, on or before 27.11.2026. Upon such surrender or in the event of arrest the Station House Officer shall release her on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 every Tuesday between 10.00AM to 03.00PM, for a period of eight (08) weeks

from the date of her release on bail or until the filing of the final result, whichever is earlier.

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

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

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

(F) The petitioner 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 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.

13. 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: 12.11.2026
CHS

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

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