

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5601 of 2024

ORDER: (ORAL)

This criminal petition is filed, under Section 438 of the Criminal Procedure Code, seeking grant of anticipatory bail to the petitioners/A1 and A2 in Crime No.71 of 2024 of Boath Police Station, Adilabad District, registered for the offences punishable under Sections 498A and 306 read with 34 of the Indian Penal Code (for short 'IPC').

2. Heard learned counsel for the petitioners/A1 and A2, learned Additional Public Prosecutor representing the respondent-State and perused the material available on record.

3. The case of prosecution is that the *de facto* complainant lodged a complaint on 11.05.2024 stating that about ten years ago, the marriage of his daughter (deceased) was performed with petitioner No.1/accused No.1 and they were blessed with two daughters and one son. Petitioner No.1/accused No.1 used to talk with other women on phone and did not listen to the words of his

daughter. With regard to the same, earlier, there were quarrels between petitioner No.1/accused No.1 and his daughter, but there was no change in the attitude of petitioner No.1/A1. On 10.05.2024 at about 11:25 PM, A1 to A3 forcibly made his daughter to drink pesticide poison and left her in the agricultural fields of one Venkat Reddy and the same was informed to him over phone by one Jaitu, S/o Govind. Immediately, he along with his family members rushed to the scene and found his daughter dead and he sensed poisonous smell emanating from her.

4. Learned counsel for the petitioners/A1 and A2 submitted that the deceased had a doubt on the character of petitioner No.1/accused No.1 and she is having mental illness and suicidal tendency. She committed suicide due to mental imbalance. Several panchayats were held to sort out the differences between them. There are no allegations of dowry harassment against the petitioners and they are falsely implicated in the subject case.

5. Learned counsel for the petitioners further submitted that the criminal petition has become infructuous insofar as petitioner

No.1/accused No.1 is concerned, as petitioner No.1/accused No.1 is arrested and remanded to judicial custody.

6. On the other hand, learned Additional Public Prosecutor submitted that there are specific allegations against the petitioners to constitute the offence under Section 306 of IPC, as the petitioners have forcibly administered pesticide poison to the deceased.

7. As seen from the contents of the First Information Report, the allegations regarding abetment to commit suicide are vague and the deceased was found in the agricultural fields of one Venkat Reddy. The case of the deceased appears to be that petitioner No.1/accused No.1 is maintaining illicit relationship with another woman. The suicidal death of the deceased did not take place at the house of the petitioners.

8. In the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner No.2/A2.

9. Hence, the criminal petition is dismissed as infructuous insofar as petitioner No.1/A1 is concerned and allowed insofar as petitioner No.2/A2 is concerned. The petitioner No.2/A2 is directed to surrender before the Station House Officer, Boath Police Station, Adilabad District, within 15 days from today. On such surrender, the petitioner No.2/A2 shall be released on bail on her executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner No.2/A2 shall abide by the following conditions:

1. The petitioner No.2/A2 shall make herself available for investigation as and when required by the police.
2. The petitioner No.2/A2 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
3. The petitioner No.2/A2 shall not leave India without prior permission of the Court.

As a sequel, miscellaneous applications, if any, pending shall stand closed.

B. VIJAYSEN REDDY, J

Date: 30.05.2024.
MD/SSP