

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5598 of 2024

ORDER: (ORAL)

This petition is filed, under Section 438 of the Code of Procedure Code, seeking grant of anticipatory bail to the petitioner, who is accused No.2, in Crime No.104 of 2024 registered for the offences punishable under Sections 306 and 109 of the Indian Penal Code (for short 'IPC') and Section 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Act 1989') on the file of the Station House Officer, Athmakur Police Station, Suryapet District.

2. It is alleged in the report lodged by the *de facto* complainant- Mrs. Sallagundla Durgamma, W/o. Srinu, that she has two (2) daughters viz., (1) Sallagundla Naga Jyothi and (2) Sallagundla Naga Laxmi; her elder daughter, Mrs. Sallagundla Naga Jyothi fell in love with one Mr. Gundagani Sanjay, S/o. Sreenu who is resident of her village. On knowing the same, the *de facto* complainant and her husband consoled her daughter, as a result, her daughter, broke her relationship with Mr. Sanjay. But again since

three (3) years, without the knowledge of the *de facto* complainant and her husband, they continued their relationship. As the matter was revealed, the husband of the *de facto* complainant and his agnates Mr. Sallagandla Ajay, Mr. Sallagandla Mallaiah, Mr. Sallagandla Sreenu, Mr. Sallagandla Uppalaiah and Mrs. Are Latha Reddy i.e., the petitioner herein who is having illegal intimacy with the husband of *de facto* complainant, interfered in the matter and made false allegations against her daughter and harassed her. They also created obstacles between her daughter and her lover.

3. It is stated that on 27.04.2024 in the morning hours, her daughter went out informing that she is going to R.V. Hospital, Suryapet, for her duty and she did not return. On 28.04.2024, at about 06:30 A.M. in the morning, she came to know from her villager that her daughter and her lover died by consuming insecticide poison; and immediately, she went to the place of occurrence and found suicide note in her bag, wherein it is stated that Mr. Bellamkonda Narayana (accused No.1) has created false story about her daughter and other accused harassed her daughter.

4. Heard Mr.Fheroj Mohammad, learned counsel for the petitioner, and learned Additional Public Prosecutor for the respondent No.1-State. Despite service of notice on respondent No.2- *de facto* complainant as per USR No.45480 of 2024 dated 30.05.2024, there is no appearance on her behalf.

5. The crime was initially registered for the offences punishable under Sections 306 and 109 of IPC, and Section 3(2) (v) of the Act 1989 was added later. There is no allegation that the deceased was subjected to harassment, merely because she belongs to the Scheduled Caste community. Thus, *prima facie*, offence under Section 3(2) (v) of the Act 1989 is not attracted. So far as the offences under Sections 306 and 109 of IPC are concerned, the allegations against the petitioner-accused No.2 are not specific and there are no individual overt acts attributed against her. There are only general allegations against the accused in connection with the alleged harassment in trying to break the relationship between the deceased and her friend.

6. In the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner - accused No.2.

7. Hence, the criminal petition is allowed and the petitioner is directed to surrender before the Station House Officer, Atmakur (S) Police Station, Suryapet District, within 15 days from today. On such surrender, the petitioner 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 shall abide by the following conditions as under:

1. The petitioner shall make herself available for interrogation by a police officer as and when required.
2. The petitioner 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 from disclosing such facts to the Court or to any police officer;

3. The petitioner shall not leave India without prior permission of the Court.

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

B. VIJAYSEN REDDY, J

Date: 30.05.2024.
MS/SMK/PVT