

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

WEDNESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

: PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI
CRIMINAL PETITION NO: 764 OF 2023



Between:

1. Somagutta Gangi Reddy, S/o Nagi Reddy, 50y, Occ. Lineman, APSPDC Ltd, Nallamada
2. Somagutta Sujatha, W/o Gangi Reddy, Aged about 43 years, Occ Housewife,
3. Somagutta Chandrika, D/o S Gangi Reddy Aged about 25 years, Occ Panchayat Secretary, Grama Sachivalayam, Mothukupalli, Kadiri Mandal All are residents of Adapala Street, Kadiri Town, Satya Sai District.

Petitioner/Accused No.1 to 3

AND

The State of Andhra Pradesh, Through S.H.O Kadiri Urban PS Represented by P P High Court of Andhra Pradesh, Amaravathi

Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioners/Accused Nos. 1 to 3 on Anticipatory Bail in the event of his arrest in Crime No. 293 of 2022 on the file of S. H. O, Kadiri Urban Station, Kadiri Mandal, for offence punishable under Sections 306, 506 r/w 34 IPC,

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI V NITESH Advocate for the Petitioner, and of PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI

Criminal Petition No.764 of 2023

ORDER:

This Criminal Petition is filed under Section 438 CrPC seeking anticipatory bail to the petitioners/A-1 to A-3 in the event of their arrest in Crime No.293 of 2022 of S.H.O., Kadiri Urban Station, Kadiri Mandal, registered for the offences punishable under Sections 306 and 506 read with 34 IPC.

2. Heard learned counsel for the petitioners/A1 to A3 and the learned Assistant Public Prosecutor representing the respondent/State.

3. The case of the prosecution is that there are disputes between the petitioner No.1 and the deceased with regard to purchase of land in favour of the deceased for which the deceased gave a sum of Rs.30,00,000/-. It is alleged that the petitioner No.1 purchased the land but got it registered in the name of his wife, petitioner No.2. On questioning, the petitioner No.1 threatened the deceased with dire consequences and also refused to repay the money. On 27.10.2022, at around 9.30 am, the deceased went to the house of the house of the petitioner No.1 for demanding return of money. However, it is alleged that the deceased was attacked by the petitioners and being vexed, the deceased consumed poison and while he was being shifted to the Government Hospital, Anantapuram for better treatment, he breathed his last on 28.10.2022.

4. Learned counsel for the petitioners submitted that even as per the allegations, no offence is made out under Section 306 IPC as the deceased himself has come prepared to take poison and there is no element of instigation to commit suicide. She further submitted that the property stands in the name of the wife of the deceased and her brother. She further submitted that the 2nd and 3rd petitioners who are in no way connected to the offence were also robbed into the crime.

5. Learned Assistant Public Prosecutor representing the respondent opposed the petition submitting that the investigation is yet to be completed and that it is only because of the allegations as stated in the complaint, the deceased died.

6. Perused the record.

7. Even as per the allegations, the 2nd and 3rd petitioners have no express role played and moreover, they are women who can be given a lenient approach while dealing with matters of this nature in view of the specific provisions mentioned in Section 437 CrPC even where the arrest is already made in relation to non-cognizable offences. Since further investigation is still pending, it is not the stage to grant anticipatory bail to the petitioner No.1/A1. However, considering the allegations made against the petitioners 2 & 3, they can be granted anticipatory bail.

8. In the result, petition in respect of petitioner No.1/A1 is dismissed and petition in respect of petitioners 2 & 3/A2 & A3 is allowed directing that petitioners 2 & 3 be released on bail in the event of their arrest in Crime

No.293 of 2022 of Kadiri Urban Police Station, Satya Sai District on furnishing their personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for the like sum to the satisfaction of the Station House Officer, Kadiri Urban Police Station, and subject to complying the following conditions:

- i) The petitioners/A2 & A3 shall be available for investigation as and when required by the Investigating Officer;
- (ii) The petitioners/A2 & A3 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 Investigating or Police Officer;

Pending miscellaneous petitions, if any, shall stand closed.

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Station House Officer, Kadiri Urban Police Station, Anantapuramu District
2. One CC to SRI V NITESH Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of AP [OUT]
4. One spare copy

HIGH COURT

BSBJ

DATED:08/02/2023

ORDER

CRLP.No.764 of 2023

ALLOWED

