

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE: GUNTUR

Present: **Y.V.S.B.G.PARDHA SARADHI,**
PRINCIPAL SESSIONS JUDGE, GUNTUR.

Monday, the 17th day of October, 2022.

Crl.M.P.No.1581/2022 in Cr.No.240/2022 of Medikonduru P.S.,

Between:

1. Uyyuru Sambasiva Rao @ Sambaiah S/o Ankineedu, aged 66 yrs, Kamma, R/o Gundlapalem village, Medikonduru Mandal, Guntur District. (A1)

2. Uyyuru Siva Prasad @ Prasad S/o Sambasiva Rao @ Sambaiah, Aged 37 yrs, Kamma, R/o Gundlapalem village, Medikonduru Mandal, Guntur District. (A2)

... Petitioners/ Accused.

And

The State Rep. By Inspector of Police, Medikonduru P.S.,

... Respondent/Complainant.

This petition coming on this day i.e., 17.10.2022 for final hearing before me in the presence of Sri A.r. Srinivas Murthy, Advocate for petitioners/accused No.1 and 2 and of learned Public Prosecutor for respondent and upon perusing the material papers available on record and upon hearing both sides and having stood over for consideration till this day, this Court made the following :-

ORDER

1. This is a petition filed by Petitioners/accused No.1 and 2 under Sections 437 and 439 of CrPC, to enlarge them on bail.

2. Respondent registered the case in Cr.No.240/2022 for the offence punishable under Section 306 of IPC and effected the arrest of petitioners on 10.10.2022 and send them to judicial custody and from then, they have been in judicial custody.

3. Notice given to learned Public Prosecutor and he submitted the CD file.

4. Heard both sides. Perused the material on record.

5. As seen from the material on record and more particularly as per the Report given by defacto complainant, the case of the investigation agency is that the deceased Malleswari is the wife of defacto complainant; there are disputes in between the defacto complainant and the petitioners

family with regard to field bunds in between their properties; on 2.10.2022, there was a small dispute in between the family of defacto complainant and the family of accused/petitioners with regard to the field bund and the elders pacified the matter; again on 6.10.2022, the elders called both sides and pacified the dispute and on 7.10.2022 in the morning, he left the house in order to attend his works and at about 1.30 PM, he returned to his home and found that his wife Malleswari laying down on ground and found two steel glasses and in one glass, pesticide was there and on observing the body of his wife, he found that she died and thereby, he called 108 Ambulance and sent the body of deceased to hospital and the doctors found that already the deceased died and thereby, he gave the Report to police and they registered a case in Cr.No.240/2022 under Sec.174 Cr.P.C and started investigation. In the remand report also, the investigating officer also stated the facts which were stated by defacto complainant in her written Report and as seen from the remand report, it appears that both the petitioners abused the deceased and insulted her severely and thereby, she felt ashamed and ultimately, consumed the pesticide and committed suicide.

6. During the course of hearing, learned counsel for petitioners argued that as seen from the material on record, more particularly, except the written Report given by defacto complainant, there is no material to show that the petitioners abetted the deceased to commit suicide and also there are no grave allegations which drove the deceased to commit suicide and ultimately, there is no material under Sec.306 IPC and even then, from 10.10.2022, the petitioners have been in judicial custody and this is a fit case to grant bail as prayed by petitioners.

7. Learned Public prosecutor argued that FIR is not the Encyclopedia of all the facts. During course of investigation, police recorded the Statements of various persons and all those persons categorically stated that the petitioners abused the deceased and also beat her and made her to fell

on ground in two or three occasions and thereby, she felt ashamed and ultimately, committed suicide and the petitioners are responsible for the death of the deceased and this is not the stage to consider the request of petitioners in a positive manner.

8. This court carefully considered the material on record. As per the CD file, so far, the investigation agency recorded the Statements of L.Ws 1 to 10. Already, Investigating officer examined the material witnesses and recorded their Statements. Whether the allegations made in the Statements of witnesses against petitioners are sufficient to constitute an offence under Sec.306 IPC is a fact decided by competent court after full fledged trial. But at the same time, the court has to see whether there is prima facie material against the petitioners or not, because, the liberty of petitioners is involved. After considering the material, this court is of considered opinion that prima facie the material placed before this court is sufficient or not is a doubtful one. Therefore, it is better to consider the said doubt in favour of petitioners as the liberty of petitioners is involved in this case. Further, material part of investigation is also completed. Further, there is no material on record to show that the petitioners are having previous criminal history. Therefore, this court is of considered opinion that it is better to consider the request of petitioners in a positive manner and therefore, considering the request of petitioners.

9. In the result, petition is allowed. Respondent is directed to release the petitioners on executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) each with two sureties of like sum each to the satisfaction of V Addl. Junior Civil Judge's court, Guntur.

Dictated to the Stenographer Gr.III, transcribed by her, corrected and pronounced by me in the open Court, this the 17th day of October, 2022.

Sd/-Y.V.S.B.G.PARDHA SARADHI
**PRINCIPAL SESSIONS JUDGE,
GUNTUR.**

Copy to:
The V Addl. Junior Civil Judge's court, Guntur