

KARC010015942026



IN THE COURT OF III-ADDL. DIST. & SESSIONS JUDGE, RAICHUR, SITTING AT
SINDHANUR.

Crl. Misc. Nos.266 & 267/2026

PRESENT: Sri. B.B.Jakati
B.A., LL.M.,

III-Addl. Dist. & Sessions Judge, Raichur,
Sitting at Sindhanur &
I/C Prl. Dist. & Sessions Judge, Raichur.

Dated this the 29th day of May, 2026

PETITIONER/S in Crl.Misc.No.266/2026:-

B.Sujeet Kumar, S/o.Amaresh B., 27 years,
R/o.H.No.1-70, Near Uru Bhavi, Sirwar, Sirwar Taluk,
Raichur Dist.

(Accused No.1 as per remand application)
(By Shri C.R., Adv.,)

PETITIONERS in Crl.Misc.No.267/2026:-

1. Amaresh B., S/o.B.Veeranna, 60 years, NEKRTC
Employee,
2. Smt.Shashikala, W/o.Amaresh B., 52 years, Household,

Both are R/o.H.No.1-70, Near Uru Bhavi, Sirwar,
Sirwar Taluk, Raichur Dist, Now R/o.Krishnadevaraya
Colony, Raichur.

(Accused No.2 and 3 as per FIR)
(By Shri C.R., Adv.,)

// Versus //

RESPONDENT common in both petitions:-

The State through SHO, Netajinagar P.S., Dist.
Raichur.

(By learned Public Prosecutor)

COMMON ORDER

The petition in Crl.Misc.No.266/2026 is filed under Section 483 of BNSS., whereas the petition in Crl.Misc.No.267/2026 is filed under Section 482 of BNSS, for regular bail and anticipatory bail respectively, in connection with Cr.No.37/2026 registered by Netajinagar Police Station for the offence punishable under Section108 of BNS.

2. The gist of the complaint is that Umadevi is the daughter of the complainant/Ashok. Umadevi was 24 years old and was pursuing her studies in Chartered Accountancy. Accused No.1/Sujeet Kumar was residing in the same locality as that of the complainant. It is alleged that there was a love affair between Umadevi and accused No.1 for about five years and such fact came to the knowledge of Ashok and his family members. Thereafter, Ashok contacted accused No.2/Amaresh, who is the father of accused No.1, over phone and informed him regarding the relationship between Umadevi and accused No.1. It is further alleged that on 28.03.2026 at about 2.00 p.m., accused No.1 along with his parents, namely accused No.2 and 3, visited the house of Ashok. At that time, Ashok informed them that he was ready to perform the marriage of Umadevi with accused No.1 and was also prepared to give two acres



of land. However, accused No.1 allegedly refused to marry Umadevi and stated that he was not interested in marrying her. When Umadevi questioned such conduct of accused No.1, it is alleged that accused No.1 told her that he would not marry her and that she may die if she wished. It is further alleged that when Umadevi stated that she would in fact die, accused No.1 to 3 asked her to die by refusing to perform the marriage. Thereafter, on 04.05.2026 at about 11.10 p.m., Umadevi committed suicide in her house. The matter was reported to the police on the same day and FIR came to be registered against accused No.1 to 3. During the course of investigation, the police arrested accused No.1 on 5.5.2026 and produced him before the Court. Accused No.1 has filed Crl.Misc.No.266/2026 seeking regular bail, whereas accused No.2 and 3 have filed Crl.Misc.No.267/2026 seeking anticipatory bail apprehending their arrest.

3. Since both the petitions are arising out of same crime number, they are clubbed and proceeded to pass common order.

4. The prosecution has filed objection to both petitions, narrating the allegations in the complaint and contended that the matter is under investigation and the custodial interrogation of the petitioners in Crl.Misc.No.267/2026 is required. If the petitioners are released on bail, they may not co-operate with the investigation and they may tamper the prosecution evidence.

5. The learned counsel appearing for the petitioners has argued that the mere statement allegedly made by the accused that Umadevi "may die" would not by itself attract the offence of abetment of suicide punishable under Section 108 of BNS. It is further contended that the said offence is not punishable with death or



imprisonment for life. Accused No.2 and 3 are the parents of accused No.1 and false allegations have been levelled against them. Accused No.1 to 3 are ready and willing to co-operate with the investigation and undertake to appear before the Court regularly during the course of trial. If accused No.2 and 3 are arrested, they would be subjected to humiliation and hardship. On these grounds, the learned counsel prayed to enlarge accused No.1 on regular bail and accused No.2 and 3 on anticipatory bail. In support of his argument, he has placed reliance on the judgments reported in ; (1) 2024 0 Supreme (SC) 1229 (Prakash and Others Vs., The State of Maharashtra and Another) and (2) 2023) Supreme (SC) 1189 (Mohit Singhal and Another Vs., The state of Uttarkhand and Others).

6. The learned Public Prosecutor has opposed the submissions of the learned counsel for petitioners and prayed to reject the petitions.

7. I have carefully perused the records.

8. The point that arises for my consideration is;

1. Whether the petitioner in Crl.Misc.No.266/2026 is entitled to regular bail under Sec.483 of B.N.S.S. ?

2. Whether the petitioners in Crl.Misc.No.267/2026 are entitled to anticipatory bail under Sec.482 of B.N.S.S. ?

9. My findings on the above points are as under;

Point No.1 - In the negative,

Point No.2 - In the affirmative, for the following;



:: REASONS ::

10. **Point Nos.1 and 2:-** The complainant/Ashok is the father of deceased Umadevi. Umadevi was aged about 24 years and was pursuing her studies in Chartered Accountancy. She was a young student. Accused No.2 and 3 are the parents of accused No.1. The allegations made in the complaint disclose that there was a love affair between accused No.1 and Umadevi for about five years and accused No.1 had promised to marry Umadevi. However, subsequently accused No.1 refused to marry her.

11. According to the complaint, on 28.03.2026 at about 2.00 p.m., the parents of Umadevi and accused No.1 met together and discussed the matter in the presence of accused No.1 and Umadevi. At that time, accused No.1 admitted the love affair with Umadevi, but refused to marry her. It is alleged that Umadevi told accused No.1 to 3 that if accused No.1 did not marry her, she would die. In response, accused No.1 to 3 allegedly told Umadevi to die, but stated that they would not perform the marriage of Umadevi with accused No.1. Thereafter, on 04.05.2026, Umadevi committed suicide. These are the factual aspects emerging from the allegations of the prosecution.

12. The allegations made in the complaint prima facie indicate that there was a love affair between accused No.1 and Umadevi for about five years and despite such long-standing relationship, accused No.1 refused to marry Umadevi and allegedly told her to die. Prima facie, this appears to be the reason for the suicide committed by Umadevi, as reflected from the materials placed on record.



13. The Hon'ble Supreme Court in 2024 0 Supreme (SC) 1229 in paras-13 to 15 held as under;

13. Section 306 of the IPC has two basic ingredients-first, an act of suicide by one person and second, the abetment to the said act by another person(s). In order to sustain a charge under Section 306 of the IPC, it must necessarily be proved that the accused person has contributed to the suicide by the deceased by some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied.

14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well- established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide.

15. The law on abetment has been crystallised by a plethora of decisions of this Court. Abetment involves a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under Section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such mens rea on the part of the



accused person being apparent from the face of the record, a charge under the aforesaid Section cannot be sustained. Abetment also requires an active act, direct or indirect, on the part of the accused person which left the deceased with no other option but to commit suicide.

14. The Hon'ble Supreme Court in 2023 0 Supreme (SC) 1189 has held that to attract the offence u/S.306 R/w Sec.107 of IPC, the accused must have mens rea to instigate deceased to commit suicide and such instigation was having such intensity that it is untended to push the deceased to such a position under which he has no choice to commit suicide.

15. In the present case, the material placed on record prima facie discloses that accused No.1 was having a love affair with Umadevi for about five years and had promised to marry her. Subsequently, accused No.1 suddenly changed his mind and refused to marry Umadevi. Umadevi was aged about 24 years and was a student pursuing Chartered Accountancy. She was the only daughter of the complainant/Ashok. The complainant has lost his young daughter at an early age. The material placed on record prima facie indicate that there was a positive act on the part of accused No.1 which drove Umadevi to commit suicide. The material further discloses prima facie mens rea on the part of accused No.1 to instigate Umadevi to commit suicide. Because of the direct or indirect acts of accused No.1, Umadevi appears to have taken the extreme step of ending her life. The records prima facie show that accused No.1 intentionally instigated or aided Umadevi to commit suicide



and consequently she committed suicide. Umadevi was in a relationship with accused No.1 for about five years and when accused No.1 flatly refused to marry her, she appears to have lost all hope in life and committed suicide. Therefore, prima facie there exists a direct nexus between the acts of accused No.1 and the suicide committed by Umadevi. Thus, the ingredients of the offence punishable under Section 108 read with Section 45 of BNS are prima facie made out against accused No.1.

16. So far as accused No.2 and 3 are concerned, the records indicate that they came to know about the alleged love affair between accused No.1 and Umadevi only on 28.03.2026. Prior to that, it appears that accused No.2 and 3 were unaware of the relationship between accused No.1 and Umadevi. Though there are allegations that accused No.2 and 3 also told Umadevi to die, the material on record does not prima facie disclose any mens rea on their part to drive Umadevi to commit suicide. Therefore, at this stage, there is no prima facie case against accused No.2 and 3 for the offence punishable under Section 108 of BNS.

17. The offence punishable under Section 108 of BNS is punishable with imprisonment for ten years and fine. However, while considering a petition for bail, the punishment prescribed is not the sole criterion. The Court is also required to consider the nature of the offence, its societal impact and the impact on the parents of the deceased. In the present case, the complainant/Ashok has lost his 24-year-old daughter. Her death is recent. If accused No.1, who is prima facie responsible for the death of Umadevi, is released on bail at this stage, it may send a wrong signal to



society. Young girls may feel that there is no adequate protection of law available to them and their family members. If accused No.1 is released on bail, there is also likelihood that he may threaten the parents of the deceased and other material witnesses or may not co-operate with the investigation. Further, it is to be noted that the matter is under investigation and if accused No.1 is released on bail before completion of investigation, he may induce the witnesses or he may tamper the prosecution evidence. Therefore, I am of the considered opinion that accused No.1 is not entitled to regular bail.

18. So far as accused No.2 and 3 are concerned, they are the parents of accused No.1 and there are no serious allegations against them. They cannot be made to suffer solely because of the alleged acts of their son. If they are arrested, they would be subjected to humiliation. They are aged about 60 years and 52 years respectively. Therefore, in order to avoid humiliation at their old age, the benefit of anticipatory bail deserves to be extended to accused No.2 and 3. Accordingly, I answer Point No.1 under consideration in the negative and Point No.2 in the affirmative and proceed to pass the following:

ORDER

The bail petition in Crl.Misc.No.266/2026 filed by the petitioner under Section 483 of BNSS is hereby rejected.

The bail petition in Crl.Misc.No.267/2026 filed by the petitioners under Section 482 of BNSS is hereby allowed.



The Netajinagar Police are directed to release the petitioners in Crl.Misc.No.267/2026 on anticipatory bail, in the event of their arrest in Cr.No.37/2026, on executing a personal bond for a sum of Rs.50,000/- each with one surety for the like sum, subject to the following conditions:

1. They shall surrender before the concerned court within 15 days from the date of this order and execute personal and surety bonds.
2. They shall furnish ID proof of themselves and the surety.
3. They shall co-operate with the investigation.
4. They shall not tamper with or threaten the prosecution witnesses.

(Dictated to the Steno Grade-I, transcribed by her, corrected, signed and then pronounced by me in the open court, on this the 29th day of May, 2026.)



(B. B. Jakati)

III Addl. District & Sessions Judge, Raichur,
Sitting at Sindhanur &

I/C Prl. Dist. & Sessions Judge, Raichur.