

Indian Penal Code, 1860, Section 364A – Condition No.2, second part - i.e., “or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt” – Neither the father of the victim, the complainant, nor the victim says that any accused threatened to cause death or hurt – The evidence suggest otherwise that the victim was not assaulted and he was treated well in a good manner as was stated by victim – Neither there is any such conduct of the accused discussed by the Courts below, which may give a reasonable apprehension that victim may be put to death or hurt nor there is anything in the evidence on the basis of which it can be held that second part of the condition is fulfilled – Did not prove fulfillment of the second condition of Section 364A – Second condition is also a condition precedent, which is requisite to be satisfied to attract Section 364A of the IPC – Not guilty under Section 364A

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