

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

TUESDAY, THE TWENTY EIGHTH OF NOVEMBER,  
TWO THOUSAND AND SEVENTEEN

:PRESENT:  
**THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

CRL.P .No. 11380 of 2017

Between:  
Koyada Nara Goud S/o Anka Goud

..... Petitioner/Accused

AND

The State of Telangana, Through Station House Officer, Bellampalli Police Station,  
II – Town, Manchriyal District Rep. by its Public Prosecutor, High Court at  
Hyderabad, Hyderabad.

.....Respondent

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to direct the respondents to release the petitioner on bail in the event of his arrest in Crime no. 10/2017 on the file of the Bellampalli Police Station, II-Town, Manchiryala district

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri A. SHARATH CHANDRA, for the petitioner and of learned Public Prosecutor (TG) for the respondent-State, the Court made the following

**ORDER:**

Heard learned counsel for the petitioner/accused, learned Additional Public Prosecutor for the respondent State and perused the record.

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner/accused in Crime No.10 of

2017 of Bellampalli II Town Police Station, Adilabad, for the offence punishable under Section 304 Part-II IPC.

Learned counsel for the petitioner/accused would submit that the petitioner/accused is falsely implicated in this case. He is only a toddy vendor having license to sell the toddy. In the First Information Report, name of the petitioner is not found. It was issued under Section 174 Cr.P.C. There are no instances of people consuming toddy and suffering from problems. Chloral Hydrate is available in the market and anybody can get it, mix it and drink it ultimately. Within ten minutes after leaving the house, the husband of the de facto complainant said to have died as per the prosecution case. The total accusation is false and ultimately, prayed to grant bail to the petitioner/accused under Section 438 Cr.P.C.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused.

In the First Information Report, it is mentioned that the deceased Tirupati was having some chest pain in the morning. His wife made him to drink Tea. Thereafter, he went to the toddy shop. There, he collapsed.

In the course of post mortem examination, the samples collected from the stomach were sent to FSL and FSL issued a report stating that the cause of death was due to Chloral

Hydrate. As contended before this Court, there are no instances of other persons suffering from problems after consuming toddy from the shop of the petitioner. Samples of toddy were also not collected in the course of investigation. FSL report shows that the deceased Tirupati died due to consumption of Chloral Hydrate. In the First Information Report, there is no specific mention that the deceased Tirupati consumed toddy in the shop of the petitioner. Having regard to the nature of allegations and the material collected so far, the petitioner can be granted bail under Section 438 Cr.P.C.

In the result, the Criminal Petition is allowed, directing the petitioner/accused to surrender before the Station House Officer, Bellampalli II Town Police Station, Adilabad District, within 15 days from the date of this order. On such surrender, the said Station House Officer shall enlarge the petitioner/accused on bail on his executing a personal bond of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to his satisfaction. On such release, the petitioner/accused shall attend before the said Station House Officer on every Saturday and Sunday between 8.00 and 10.00 a.m. till filing charge sheet.

//TRUE COPY//

ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

- 1 The Prl District and Sessions Judge, Adilabad
- 2 The Station House Officer, Bellampalli Police Station – II – Town, Manchiryala District.
- 3 One CC to A. SHARATH CHANDRA, Advocate (OPUC)
- 4 Two CCs to Public Prosecutor (TG), High Court of Judicature at Hyderabad. (OUT)
- 5 One spare copy.



**HIGH COURT**

**DR.SA,J**

**DATE: 28-11-2017**

**ORDER**

**CRL.P. NO. 11380 OF 2017**

**DIRECTION**



**HIGH COURT**

**Avs**

**Date of Drafting: 29-11-2017**

**DR.SA,J**

**DATE: 28-11-2017**

**ORDER**

**CRL.P. NO. 11380 OF 2017**

**DIRECTION**

