

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN**

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

CRL. P. NO:10820 of 2017

Between:

Suresh @ Suresh. A S/o. Anjappa @ Anjaneyappa, aged about 24 years, R/o Rayalpad Village, Srinivasapuram Taluk, Karnataka State.

..... Petitioner/Accused

AND

State of A.P., Rep. by Public Prosecutor, High Court of Hyderabad., (SHO PS)
Madanapalle Taluk P.S, Chittoor District.)

.....Respondent

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to release the petitioner/Accused, on bail in the event of his arrest in Crime No. 94 of 2017, SHO Madanapalle Taluk P.S, Chittoor District, registered under Section 304-A IPC altered to 304-II IPC.

Counsel for the Petitioner : SRI T.V.JAGGI REDDY

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR (AP)

The Court made the following ORDER:

“This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner/accused, seeking anticipatory bail in the event of his arrest in connection with Crime No.94 of 2017, on the file of the Station House Officer, Madanapalle Taluk Police Station, Chittoor District, registered for the offence punishable under Section 304-II IPC.

Heard the learned Counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondent- State and perused the record.

The learned Additional Public Prosecutor would submit that the petitioner does not have driving license; he drove the auto in a rash and negligent manner and caused the death of one S.Rami Reddy (deceased); the ingredients of Section 304-II IPC are applicable and prayed to dismiss the Criminal Petition.

As per the First Information Report lodged in this case on 04-07-2017, the crime was registered for the offence punishable under Section 304-A IPC against the petitioner on the allegation that he does not possess auto driving license; on 04-07-2017, he drove an auto with the deceased as a passenger; when a dog came in front of the auto, he could not control it, due to which the auto turned turtle and resulted in the death of the deceased. Alter Memo, dated 01-08-2017, was filed by the Sub-Inspector of Police, Madanapalle Taluk Police Station, the Section of Law was altered from Section 304-A IPC to Section 304-II IPC.

The application of provisions of Section 304-II IPC are required to be examined. As per the record, it cannot be said that the allegations constitute offence under Section 304-II IPC. In view of the same, the petitioner can be granted anticipatory bail.

Accordingly, the petitioner/accused is directed to surrender before the Station House Officer, Madanapalle Taluk Police Station, Chittoor District, within 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. On release, the petitioner/accused is directed to attend before the said Station House Officer on every Sunday between 10:00 a.m., and 11:00 a.m., till filing of the charge sheet. Further, the petitioner shall co-operate with the Investigation Officers.

Accordingly, with the above directions, the Criminal Petition is allowed.”

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The II Addl. Judicial Magistrate of First Class, Madanapalle, Chittoor District.
2. The Station House officer, Madanapalle Taluk Police Station, Chittoor District.
3. Two Ccs to Public Prosecutor, (AP), High Court of Judicature, Hyderabad (OUT)
4. one CC to Sri T.V.Jaggi Reddy, Advocate (OPUC)
5. one spare Copy

HIGH COURT

**AB
DRAFTED ON 16-11-2017**

DR.SA,J

DATE: 15-11-2017



ORDER

CRL.P. NO. 10820 OF 2017

DIRECTION