

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

TUESDAY, THE TWENTY FIRST DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN
: PRESENT:

THE HON'BLE DR JUSTICE **SHAMEEM AKTHER**

CRIMINAL PETITION No. 10806 of 2017

Between:

Katikala Jeevan Kumar, S/o. Pedda Devaiah

Petitioner

(Accused in Cr.No.107/2017
of Markapuram (R) P.S., Prakasam Dist)

AND

The State of Andhra Pradesh, rep .by its Public Prosecutor, High Court at Hyderabad.
Respondent/Complainant

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to grant anticipatory bail to the Petitioner/Accused and direct the SHO, P.S. Markapur (R), Prakasam District to release the petitioner on bail in the event of his arrest in Crime in FIR.No. 107 of 2017, dated. 04-10-2017 on the file of P.S. Markapur (R), Prakasam District.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri V.R.Machavaram, Advocate for the Petitioner and of the Addl. Public Prosecutor (AP) for the Respondent, the Court made the following

ORDER:

“ This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of anticipatory bail in the event of his arrest in Crime No.107 of 2017 on the file of the Markapur (R) Police Station, Prakasam District, registered for the offences punishable under Sections 337, 304-II of I.P.C.

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

3. The specific allegation against the petitioner/accused is that he drove the motorcycle in a drunken state and dashed the auto bearing registration No.AP 27 TY 7985. One of the inmates of the auto, Ch.Yesudasu, suffered injuries to his testacles and died on the spot. The other inmates of the auto have also stated that the petitioner/accused was in a drunken stage at the time of the alleged incident. The learned counsel for the petitioner/accused would submit that the alleged offence does not fall under Section 304-II of I.P.C. only.

4. The learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioner/accused.

5. As submitted by the learned counsel for the petitioner/accused, the question as to whether the alleged offence falls under Section 304-II of I.P.C. can only be determined in the course of investigation or by the Court, after due trial. Having regard to the nature of accusations levelled against the petitioner/accused, he can be granted bail under Section 438 of Cr.P.C. on some conditions.

6. Accordingly, the petitioner/accused is directed to surrender before the Station House Officer, Markapur (R) Police Station, Prakasam District, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Markapur (R) Police Station, Prakasam District, shall release the petitioner/accused on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his satisfaction. After being released on bail, the petitioner/accused shall report before the Station House Officer, Markapur (R) Police Station, Prakasam District, on every Sunday between 09:00 AM and 10:00 AM, till filing of the charge-sheet. The petitioner/accused shall also abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigation officer in the investigation of the case.

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7. **The Criminal Petition is, accordingly, allowed.**
Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.”

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The SHO, Markapur (R) Police Station, Prakasam District.
2. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
3. One CC to Sri V.R.Machavaram, Advocate(OPUC)
4. One spare copy.

SAH



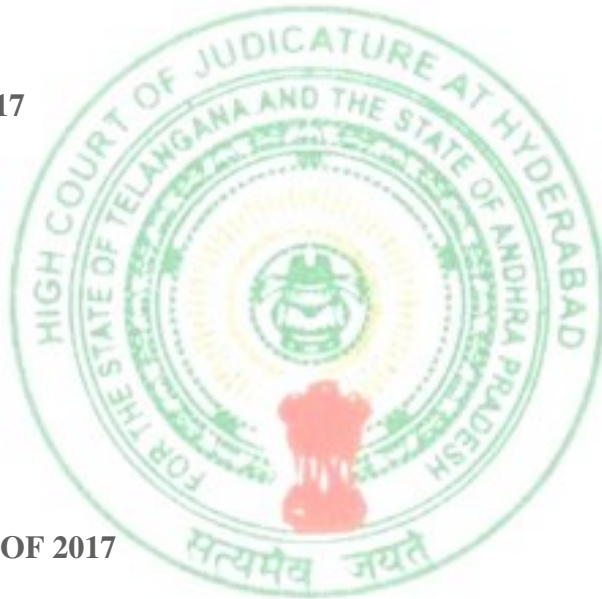
HIGH COURT

Dr.SAJ

DATED: 21-11-2017

ORDER

CRL.P.NO. 10806 OF 2017



ANTICIPATORY BAIL

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 22-11-2017

HIGH COURT

Dr.SAJ



DATED: 21-11-2017

ORDER

CRL.P.NO. 10806 OF 2017

ANTICIPATORY BAIL