

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9983 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner-accused under Section 438 Cr.P.C. to grant him anticipatory bail in Crime No.78 of 2017 of Pulkal Police Station, Sangareddy District, registered for the offence under Sections 304-II I.P.C.

2. Heard the learned counsel for the petitioner-accused, learned Additional Public Prosecutor and perused the material available on record.

3. Learned counsel for the petitioner-accused would submit that the petitioner is not responsible for the alleged death in question; there is a board on a conspicuous place exhibiting that nobody should trespass into his lands; there is also an existing road to go to Manjeera river; the deceased due to his negligence suffered electric burns and died; and ultimately, prayed to grant bail to the petitioner under Section 438 Cr.P.C.

4. On the other hand, learned Additional Public Prosecutor would submit that the petitioner-accused has directly taken electric connection from a nearby pole and erected GI wire around his fields; the deceased-Mohammed Shabber came in contact with live electrical wire and died due to electrocution; the petitioner-accused is guilty of causing death in this case; therefore, it cannot be said that the ingredients of Section 304-II I.P.C. has no application, only Section

304-A I.P.C. applies to the case on hand; and prayed to dismiss the petition.

5. As per the investigation, the petitioner-accused took direct electrical connection from an electric pole and erected GI wire to protect his field. There is every possibility of innocent people moving in that area, coming in contact and getting electrocuted. It cannot be said that the petitioner has no knowledge of these happenings. Therefore, it is not a fit case to grant anticipatory bail to the petitioner-accused.

6. In the result, this Criminal Petitions is dismissed.

Date: 31.10.2017
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Dr. SHAMEEM AKTHER, J

