

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6608 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner/ A1, seeking release in the event of his arrest in connection with Crime No.175 of 2018 on the file of Jadcherla Police Station, Mahabubnagar District, registered for the offences punishable under Section 304-II I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

3. The petitioner is A1 among two or more accused including A2 is the mechanic of the above crime. The factual matrix shows that on 31.05.2018 at about 1130 hours, a complaint of one Shankaraiah of Gollapalli received stating on the previous day i.e., 30.05.2018 at 1830 hours, his villager M.Viaya Bhaskar Reddy (A1) took the son of the de facto complainant by name Mahipal besides other workers, Y.Srisailam, K.Sva, to deploy bore pipes of the bore well at his agricultural field and it is, while so, at about 1930 hours on the previous day, the mechanic (A2) by name Ch.Sekhar along with Mahipal, Y.Srisailam, K.Sva, Naresh were removing the pipes from the bore well of A1, the 11 K.V. electrical wires, which were in the fields above the bore well touched and received shock, due to which his son and Naresh died at the spot and two others sustained electrical burnt injuries and it

is because of A1 and A2 failed to get disconnected the electrical supply of the live 11 K.V. power wires and it is their negligence, the incident occurred and they are responsible. Hence, to take action.

4. The contention of the learned counsel for the petitioner, who went unsuccessful in anticipatory bail in CrI.MP.No.617 of 2018 before the Principal Sessions Judge, Mahabubnagar, vide dismissal order dated 21.06.2018 of there is a prima facie accusation and the investigation is in progress and at nasal stage, and that at best, attract the offence under Section 304-A I.P.C. and not Section 304 Part II I.P.C. If at all, it is only Section 304-A I.P.C. he is not entitled to the anticipatory bail for not a non-bailable offence.

5. The learned Public Prosecutor drawn the attention from the Case Diary and instructions of it is a serious offence and the petitioner and A2 cannot say they have no knowledge of the live wires running that too at the field of the petitioner above bore well and while digging out the pipes affixed underground of the bore well undertaken through A2, he could have seen that there cannot be no power supply at that time from 11 K.V. wires running at that place and it is his act committed culpable homicide with knowledge, which squarely attracts the offence under Section 304 Part II I.P.C. No doubt, it is not a case that petitioner was present at that time but engaged the services of A2-mechanic in utilization of the

coolies, who are the victims, two died and two or more injured. However, from perusal of the record, it is not a fit case for grant of anticipatory bail but for entitled to the regular bail.

6. Accordingly, rather than dismissal of the Criminal Petition, the same is disposed of giving liberty to the petitioner to surrender before the learned Magistrate concerned and move for regular bail before the learned Sessions Judge for grant of bail after hearing learned Additional Public Prosecutor concerned with necessary conditions on the same day or atleast by next day.

7. Consequently, miscellaneous petitions, if any shall stand closed.



JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.07.2018
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