

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.402 of 2020

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioners/A2 and A3, seeking to grant anticipatory bail to them in Cr.No.2 of 2020 on the file of Burgampahad Police Station, Bhadradri Kothagudem District, registered for the offences under Section 304-II read with Section 109 IPC.

2. Heard learned counsel for the petitioners/A2 and A3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that on 01.01.2020 at 1730 hours at R & B Road near Pultheru Vagu of Burgampahad, A1 consumed alcohol by parking his ambulance on road side along with A2 and A3 and started the ambulance in drunken condition in a rash and negligent manner and hit a woman and her daughter, aged 5 years, who were standing on road side along with their scooty, resulting their death on the spot.

4. Learned counsel for the petitioners/A2 and A3 submits that the petitioners are innocent of the alleged offence and they are no way concerned with the crime and a false case has been foisted against them as an after thought without proper investigation. He further submits that A1 was driving the ambulance at the time of accident and the petitioners are no way connected with the alleged accident. He further submits that A1 was arrested and released on bail and that the petitioners belong to reputed families and they never

involved in any crime and they shall furnish sufficient sureties to the satisfaction of the Court and abide by any condition imposed by the Court.

5. Learned Additional Public Prosecutor opposed the relief sought in the petition.

6. As seen from the contents of the remand report, there are specific allegations against the petitioners/A2 and A3 that on 01.01.2020, A1, who is ambulance driver, reached to Burgampad Centre at 0200 hours and asked A2 and A3 to join with him, then they purchased alcohol, kept in ambulance and started drinking, then they had a bet among themselves to drive the ambulance as fast as possible and A2 and A3 provoked A1 to drive the vehicle, then, A1 drove it in a rash and negligent manner and hit the daughter and grand daughter of the de-facto complainant resulting their death on the spot. Thus, in view of the nature of allegations leveled against the petitioners/A2 and A3, I am not inclined to grant anticipatory bail to them and their prayer for anticipatory bail is refused.

7. Hence, the Criminal Petition is dismissed.

8. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

28th January, 2020
sj

G. SRI DEVI, J