

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 7008 OF 2021

Between:

Syed Iftekhhar Hussain, S/o. Syed Omer, Aged 65 years, Occ. Business,
R/o.H.No.2-4-240, Nehru Nagar, Kachiguda, Hyderabad.

...Petitioner/Accused No.1

AND

The State of Telangana, Through S.H.O, Police Station Amberpet, Hyderabad
City, represented by its Public Prosecutor, High Court, at Hyderabad, Hyderabad.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused No.1 on bail in the event of his arrest in connection with Crime No.415 of 2019 pending on the file of Amberpet Police Station, Hyderabad City.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s C. Hari Preeth, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7008 OF 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A1 for grant of anticipatory bail in Crime No.415 of 2019 of Amberpet Police Station, Hyderabad City, registered for the offences punishable under Sections 304-II and 337 of I.P.C.

2. Heard both sides. Perused the record.
3. Learned counsel for the petitioner/A1 would submit that the petitioner/A1 is 65 years old. He paid compensation to the families of the victims as well as the owners of the vehicles, which were damaged due to the accidental fall of the elevation of the subject functional hall. A2 in the subject crime is the Manager of the subject functional hall. There is an agreement, dated 15.09.2013, between A2 and the petitioner/A1. As per the said agreement, A2 has to look after the day-to-day functions, maintenance of the function hall etc. The petitioner/A1 is not responsible for the collapse of the elevation of the subject function hall and ultimately, prayed to allow the petition as prayed for.
4. On the other hand, the learned Assistant Public Prosecutor representing the respondent/State opposed the grant of anticipatory bail to the petitioner/A1 and contended that due to collapse of the elevation of the subject function hall, five persons

died, one person was injured and several vehicles were damaged and ultimately, prayed to dismiss the petition.

5. There is no dispute that the petitioner/A1 is the owner of the Pearl Garden Function Hall situated at Amberpet, Golnaka, Hyderabad. Even if there is an agreement between A2-Manager and the petitioner/A1, as submitted by the learned counsel for the petitioner/A1, it is the bounden duty of the petitioner/A1 to maintain the function hall in good condition. It appears that, since the petitioner/A1 has not attended to the repairs etc., of the subject function hall, the elevation of the subject function hall has collapsed. The matter requires thorough investigation, including custodial investigation, since huge debris has fallen on the victims as well as on the vehicles, five persons died. The gravity of the offences alleged is high. The punishment prescribed for the offences alleged is stringent. Considering the totality of the circumstances, this Court is not inclined to grant anticipatory bail to the petitioner/A1.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
2. The Station House Officer, Amberpet Police Station, Hyderabad City.
3. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to M/s C. Hari Preeth, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK
gbr



HIGH COURT

DATED: 16/09/2021



ORDER

CRLP.No.7008 of 2021

DISMISSING THE CRIMINAL PETITION

25/10/2021
25/10/2021