

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2175 of 2022

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 Crime No.405 of 2021 of Banjara Hills Police Station, Hyderabad, registered for the offence punishable under Section 174 of Cr.P.C.

2. Heard Sri N.Ramchander Rao, learned Senior Counsel representing Sri Naraparaju Avaneesh, learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned Senior Counsel appearing for the petitioner/accused would submit that initially the First Information Report was registered under Section 174 of Cr.P.C and after six(6) months, basing on the additional complaint given by the father of the deceased-M.Ravindranath Chaudary, the Section of law was altered from 174 of Cr.P.C to 304-II and 420 of IPC basing on Whatsapp messages. Learned Senior counsel conceded that the petitioner/accused has transferred an amount of Rs.2,10,000/- to the account of the deceased

for business purpose and it cannot be a basis to make out a case under Sections 304-II and 420 of I.P.C.

4. As per the First Information Report, on 01.06.2021, the deceased by name M.Ravindranath Chaudary, having consumed beer, found dead in the washroom inside Room No.409 of Hotel Hyatt Palace, Banjara Hills, Hyderabad. It is not the case of the prosecution that the petitioner/accused has supplied beer bottles to the deceased and he is responsible for the death of the deceased on that day. In the alteration memo, it is mentioned that the deceased died due to head injury and he consumed alcohol at the time of incident. There is no direct evidence against the petitioner/accused, at this stage.

5. Firstly, whether the provisions of Section 304-II of I.P.C have application to the facts and circumstances of the case and thereafter, whether the provisions of Section 420 of I.P.C, are applicable to the facts of the case or not, need a detailed examination.

6. Viewed from any angle, at this juncture, it cannot be concluded that the petitioner/accused is responsible for the

death of the deceased by name M.Ravindranath Chaudary. Under these circumstances, this Court is inclined to grant pre-arrest bail to the petitioner/accused under Section 438 of Cr.P.C.

7. In the event of arrest of the petitioner/accused in the subject crime, the Station House Officer, Banjara Hills Police Station/Investigating Officer, is directed to release the petitioner/accused on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a likesum to the satisfaction of the said S.H.O/Investigating Officer. On such release, the petitioner/accused shall abide by the conditions stipulated in Section 438 (2) of Cr.P.C., and shall cooperate with the Investigating Officer for smooth conduct and completion of investigation.

8. Accordingly, this Criminal Petition is allowed.

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

Dr. SHAMEEM AKTHER, J

Date: 16.03.2022
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