

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4070 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused in Cr.No.99 of 2021 on the file of Karkhana Police Station, Hyderabad District, registered for the offence punishable under Section 304-II IPC, seeking bail.

2. The case of prosecution is that the de-facto complainant has lodged a complaint stating that on 23.06.2021 at 2130 hours, while he was in a family function, he received a telephone call from his step mother's son, by name Deepak, that his brother, by name, Shivaraj, came to the house in a drunken condition and fell down on the fridge, due to which, he received an injury on his eye and then, he went to sleep and when they tried to wake him up, he did not respond, immediately, they shifted him to Shekar Hospital, Bowenpally, where the duty doctor declared him dead.

3. Learned counsel for petitioner Mr. N. Janardhan Reddy, submits that the petitioner is innocent of the alleged offences and he has been falsely implicated in this case. He submits that the deceased is the step brother of the petitioner and as per the medical report, the cause of death is due to head injury. He submits that the deceased was in a drunken condition at the time of his death. He submits that the entire investigation is completed, except filing of the charge sheet. He further

submits that though the crime was registered on 23-06-2021, the petitioner was arrested on 11-04-2022 and remanded to judicial custody and he is unconnected with the allegations in the complaint and hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that 6 witnesses were examined and the medical report was also received. He submits that in view of the allegations in the complaint, the petitioner is not entitled for bail.

5. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor and perused the material on record. A perusal of the remand case diary would show that the deceased was staying along with his step mother and the petitioner and he used to consume liquor heavily every day and there were frequent quarrels between the deceased and the accused and they were beating each other. On 23-06-2021 at 1800 hours, the deceased came to the house in an intoxicated condition and abused the mother of accused, and in the quarrel, the deceased fell down on the fridge and became unconscious and as per the medical report, the deceased died due to head injury. As per the record, most part of the investigation is completed and the petitioner is languishing in jail since 11-04-2022. In these circumstances, this Court deems it appropriate to grant bail to the petitioner-accused.

6. The Criminal Petition is allowed. Petitioner – Accused shall be enlarged on bail in connection with Crime No. 99 of 2021 on the file of

Karkhana Police Station on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the XI Additional Chief Metropolitan Magistrate, Secunderabad. The petitioner shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 p.m., for a period of two months or till filing of the charge sheet, whichever is earlier.

19th May, 2022.
sj

JUVVADI SRIDEVI, J