

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.6228 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioners who are arrayed as Accused Nos.1 and 2 in the event of their arrest in Crime No.794 of 2022 on the file of Station House Officer, Narsingi Police Station, Cyberabad registered for the offence punishable under Section 304-II of Indian Penal Code.

2. Heard learned counsel for petitioners/Accused Nos.1 and 2 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The allegation against these petitioners is that they are the management of the site of EIPL Company. The deceased along with some other workers were doing centering and other works at the site and at that time the deceased fell into the soil and though the other labour tried to pull them out from the soil, they could not do so and for the reason of the deceased being stuck and drowned in the soil filled up with mud and died subsequently. Basing on the

said complaint the present FIR was registered for the offence under 304-II of IPC.

4. Learned counsel for the petitioners submits that the petitioners were incharge of the site and they are nothing to do with the alleged accident which resulting in two unfortunate deaths.

5. Learned Assistant Public Prosecutor submits that against Accused No.1 there are other criminal cases pending and that not taking any precautions at the work site, would amount to the act of causing culpable homicide and punishable under Section 304-II IPC.

6. As seen from the complaint the petitioners failed to take precautions in supplying helmets and boots to the workers. Even according to the complaint they are not in any way responsible for the filling up of soil at that particular place, they are only incharge of the said site. In the said circumstances, they can be granted the relief of Anticipatory Bail.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 and 2 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.1 and 2 are directed to surrender before the Station House Officer, Narsingi Police Station, Cyberabad within one week from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.1 and 2 shall appear before the concerned Station House Officer on every Monday between 10.00 AM and 01.00 PM for a period of two (02) months.

iii) The petitioners/Accused Nos.1 and 2 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

Date: 21.07.2022
ns

K.SURENDER, J