

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.7195 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner/A3 in the event of his 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 petitioner and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The allegation against this petitioner is that he is the incharge 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 petitioner submits that the petitioner was incharge of the site and he is nothing to do with the alleged accident which resulting in two unfortunate deaths. He also submits that this Court in CrI.P.No.6228 of 2022 granted Anticipatory Bail to Accused Nos.1 and 2 on 21.07.2022.

5. Learned Assistant Public Prosecutor submits 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 petitioner failed to take precautions in supplying helmets and boots to the workers. Even according to the complaint he is not in any way responsible for the filling up of soil at that particular place, he is only incharge of the said site. In the said circumstances, he can be granted the relief of Anticipatory Bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/A3 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/A3 is directed to surrender before the Station House Officer, Narsingi Police Station, Cyberabad within one week

from today, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioner/A3 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, for the purpose of investigation.

iii) The petitioner/A3 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: 18.08.2022
Tk

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.18.08.2022

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