

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No.9013 OF 2022**

**ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail to the petitioner/accused No.1 in the event of his arrest in connection with Crime No.97 of 2022 of Thoguta Police Station, Siddipet District, registered for the offence punishable under Section 304 Part II of the Indian Penal Code.

2. Heard learned counsel for the petitioner/accused No.1 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that the *de facto* complainant filed a complaint stating that her husband, who is an electrician died when he climbed an electric pole. The reason for the death of her husband was due to electric shock. It is alleged in the complaint that the petitioner, who is a contractor, had instructed the deceased to climb an electric pole for doing some work related to electricity connection.

4. Learned Assistant Public Prosecutor submits that in the present case knowledge can be attributed to the petitioner regarding danger by climbing the electric pole when the power is not switched off.

5. As seen from the complaint, the petitioner-accused No.1 was monitoring the repairs being taken up by the deceased and the petitioner-accused No.1 had asked the deceased to climb a pole. In

the present case, Section 304 Part II of I.P.C., would not apply as there is no act by the petitioner resulting in causing his death except asking him to climb the pole.

6. In the said circumstances, this Court is inclined to grant the relief of anticipatory bail to the petitioner/accused No.1 subject to the following conditions:

- i) The petitioner/accused No.1 is directed to surrender before the Station House Officer, Thoguta Police Station, Siddipet District, within a period of 10 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/accused No.1 on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- ii) On such release, the petitioner/accused No.1 shall report before the said Station House Officer on every Monday between 10.00 A.M. to 4-00 P.M., for a period of six weeks, thereafter as and when required.
- iii) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

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**K.SURENDER, J**

Date :20.10.2022

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**Dt.20.10.2022**

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