

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10719 of 2022

ORDER:

Heard Smt J.Sunitha, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused in Crime No.597 of 2022 of Jangaon Police Station, Warangal District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. The facts of the case in nut-shell are that the petitioner who was driving a car, drove the same in a rash and negligent manner at a high speed under the influence of alcohol and hit the motor cycle of the defacto complainant, due to which, the pillion riders fell down and one of them succumbed to injuries.

4. Making her submission, learned counsel for the petitioner contends that the case falls within the ambit of Section 304-A IPC but not under Part-II of Section 304 IPC, but Police registered a case under wrong provision of law.

5. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioner under the influence of alcohol, caused the death of a person. However, learned Additional Public Prosecutor states that nine witnesses were examined till now. Therefore, it is clear that material part of investigation is completed.

6. Having considered the submissions thus made by the learned counsel for the petitioner and also taking into consideration the stage of investigation, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

7. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name

of the surety. The other photograph shall be kept in the case record concerned.

(ii) In case, the petitioner/accused holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused should not involve in any unlawful activity.

(iv) The petitioner/accused should afford all assistance for proper investigation of the case.

(v) The petitioner/accused should not cause the evidence of the offence disappear.

(vi) The petitioner/accused should not tamper with the evidence in any manner.

(vii) The petitioner/accused should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Jangaon Police Station, Warangal District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused shall file an affidavit before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

16.12.2022
DR