

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.469 of 2023

O R D E R:

This Criminal Petition is filed by the petitioner/Accused No.1 under Sections 437 and 439 of the Criminal Procedure Code seeking bail in Crime No.456 of 2022 of Narayanaguda Police Station registered for the offences punishable under Section 333 read with Section 34 of the Indian Penal Code and Sections 184 and 185 of the Motor Vehicle Act.

2. The facts in brief, as can be seen from the record available before the Court are as under:

a) On 10.12.2022 at about 4:30 AM K. Madhava Rao, Police Constable has lodged a complaint alleging that on 09.12.2022 while the Police Party consisting of himself and the Inspector of Police of Narayanaguda Police Station by name G. Naresh were performing night duty, at about 1.30 AM (early hours of 10.12.2022), they found two persons coming towards them on Royal Enfield Bullet vehicle in high speed and dangerous manner by raising accelerator and when they tried to stop the vehicle, the driver of the said

vehicle did not stop the vehicle and on the other hand, the pillion rider sitting on the rear side of the vehicle shouted that “do not stop the vehicle and to dash anyone, whoever comes to stop them”. Accordingly the driver of the said vehicle did not stop the vehicle and he has dashed the vehicle to Sub Inspector of Police by name G. Naresh and on account of such hit, the leg of G. Naresh, Sub Inspector of Police broke down and fell on the road and the driver of the vehicle lost the control and fell on the road.

b) The other Police personnel have caught hold both the persons and after completing the formalities, they found that both the persons were in drunken condition and on analysing them with breath analyser, the person, who was driving the vehicle i.e., P. Chandra Shekar (accused No.1) got alcohol percentage of 109% and the pillion rider of the vehicle i.e., G. Venkata Yeshwanth got alcohol percentage of 191%.

c) Based on the said complaint, a case in Crime No. 456 of 2022 was registered for the offence under Section 333 read 3 with Section 34 of the Indian Penal Code and Sections 184 and 185 of the Motor Vehicle Act and investigation was taken

up. During the course of investigation, the petitioner – accused No.1 was apprehended and remanded to judicial custody. It is mentioned in the remand report that after affecting the arrest, the petitioner has confessed that with an intention to escape from the Police, they drove the vehicle in speed and tried to collide with the Police.

3. It is submitted by the learned counsel for the petitioner that the petitioner is an innocent student and allegations levelled against him are false and incorrect and that the ingredients for the offence alleged against him are not correct and sought for enlarging the petitioner on bail. It is further submitted by the learned counsel for the petitioner that the earlier bail application vide CrI.P.No.11730 of 2022 was dismissed on 06.01.2023 on the ground that investigation is still pending. Learned counsel for the petitioner has brought to the notice of this Court that accused No.2 has moved an application before learned IV Additional Metropolitan Sessions Judge, Hyderabad in CrI.M.P.No.5079 of 2022 and on 09.01.2023, the trial court has enlarged the accused No.2 on bail.

4. Learned Additional Public Prosecutor for the State/Respondent has submitted that that the petitioner and accused No.2 knowing fully well that they were in drunken condition have instead of stopping the vehicle, dashed against the Police person and caused injuries to the Police officer who is discharging his duties and sought for dismissal of the criminal petition.

5. As seen from the record, the injured police officer has been recovered and is out of danger and statements of material witnesses were already recorded. There is no apprehension expressed by the learned Additional Public Prosecutor that in case if the petitioner is enlarged on bail he may run away. It is also submitted that the petitioner is a student and if he is not released from jail, his career will be affected. As seen from the remand report, 14 witnesses were already examined so far.

6. Considering the facts and circumstances of this case, this Court is of the opinion that this is a fit case to enlarge the petitioner/Accused No.1 on bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 is ordered to be enlarged on bail subject to the following conditions:

i) The petitioner/Accused No.1 is directed to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of learned IX Additional Chief Metropolitan Magistrate, Hyderabad.

ii) On such release, as the petitioner/Accused No.1 is directed to appear before the Narayanaguda Police Station on every Monday between 10:00 AM to 12:00 PM., until further orders or until charge sheet is filed, whichever is earlier.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 437(3) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 18-Jan-2023
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