

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1733 of 2023

ORDER:

1. Heard Sri Srinath Reddy, learned counsel who is representing Sri Nageshwar Rao Pujari, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in Crime No.1321 of 2022 of Meerpet Police Station, on bail.
3. The matrix of the case as could be perceived through the contents of Part-I Case Diary is that the deceased-Shekar is a Driver by profession and he was working under Samrat Travels. The petitioner/Accused No.1 is also a Driver by profession and Accused No.2 is a Cleaner and they both were working in Kalpana Travels. The deceased-Shekar, Accused Nos.1 & 2 went in their respective buses to Goa. They parked their buses at parking place. On the next day, an altercation took place between Accused No.2 and the deceased-Shekar over a petty issue at the parking place. Accused No.2 pushed the deceased-Shekar on ground and beat him with hands.

The petitioner/Accused No.1 captured videos on his mobile. On that, the deceased-Shekar picked up quarrel with the petitioner/Accused No.1 as to why he has captured videos. On that, the petitioner/Accused No.1 took a stick and beat the deceased on his Head, due to which he sustained Head injury. The deceased-Shekar took medicine and returned to Hyderabad. But on 31.10.2022, he succumbed to injury while taking treatment.

4. Stating that the petitioner/Accused No.1 is innocent, learned counsel for the petitioner submits that the petitioner was arrested on 05.01.2023 and he is still in judicial custody and as per the statements of witnesses, the prosecuting agency came to a conclusion that the petitioner committed offence punishable under Part-II of Section 304 IPC and as the entire investigation is also completed, the petitioner may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that due to the acts of the petitioner, the deceased-Shekar died. Learned Additional Public Prosecutor also states that sixteen (16) witnesses were examined.

6. Thus, by the submissions made, it is clear that the petitioner is in judicial custody since more than forty five (45) days and that the material part of investigation is completed.

7. Having considered these factors, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

(i) The petitioner/Accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five Thousand only) with two sureties for 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) The petitioner/Accused No.1 shall report before the Station House Officer, Meerpet Police Station, Hyderabad, on every Sunday and Thursday between 10.30 AM and 12.00 PM till filing of final report.

- (iii) The petitioner/Accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.1 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.1 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) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.1 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 27.02.2023

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