

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2415 of 2023

ORDER:

Heard Sri K.Malleswara Rao, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused in Crime No.34 of 2023 of Yacharam Police Station, Rachakonda Commissionerate, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. The facts of the case, as could be perceived through the contents of the complaint, are that the petitioner while driving a tractor, drove the same in a rash and negligent manner and hit the father of the defacto complainant and others, due to which, they sustained injuries and were shifted to hospital. The father of the defacto complainant succumbed to the injuries.

4. Making his submission and claiming bail, learned counsel for the petitioner contends that the entire incident occurred as there was a political meeting organized at the place of offence and that Police could not control the vehicles

of the political leaders. Learned counsel states that the petitioner was arrested on 01.02.2023 and he is in judicial custody since 50 days and as the entire investigation is completed, he may be enlarged on bail.

5. Per contra, the submission of the learned Additional Public Prosecutor is that under the influence of alcohol, the petitioner drove the vehicle in a rash and negligent manner and hit eleven (11) persons and out of them, ten persons sustained injuries and one died. Learned Additional Public Prosecutor further states that fourteen (14) witnesses were examined till now.

6. The fact that the petitioner is in judicial custody since 50 days is not in dispute. Also, by the submission of the learned Additional Public Prosecutor, it is clear that the material part of investigation is completed. Therefore, this Court considers it desirable to honour the request of the petitioner, 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, Yacharam Police Station, Rachakonda Commissionerate, on every Sunday and Thursday 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

21.3.2023

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