

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3034 of 2023

ORDER:

1. Heard Sri Venkatesh Gupta, learned counsel who represented Sri N.Laxminarayana, learned counsel on record 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.32 of 2023 of Chevella Police Station, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.
3. As per the version of the prosecution, the petitioner has committed offences punishable under Sections 304-II and 337 IPC.
4. The facts of the case in brief are that the petitioner drove an Innova Crysta Car at a high speed negligently and hit a Motor cycle due to which the husband of the defacto complainant, who was proceeding over the said Motor cycle, died and the daughter of the defacto complainant,

who was also present over the said Motor cycle, sustained injuries.

5. Learned counsel for the petitioner states that the petitioner is in judicial custody since sixty (60) days and as the entire investigation is completed, he may be enlarged on bail.

6. The submission of the learned Additional Public Prosecutor is that eleven (11) witnesses were examined till now.

7. Thus, by the said submission, it is clear that the material part of investigation is completed.

8. Having considered the allegations levelled and the fact of completion of material part of investigation, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

9. Resultantly, the 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 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 shall report before the Station House Officer, Chevella Police Station, on every Monday between 10.30 A.M and 12.00 P.M till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.
- (iv) The petitioner/Accused should afford all assistance for the 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) In case the petitioner/Accused holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused shall not leave India without previous permission of the Court concerned.
- (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

Date:31.03.2023
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