

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6029 OF 2023

ORDER:

1. This petition is filed under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C) seeking to grant regular bail to the petitioner who is arrayed as sole accused in Crime No.233 of 2023 of Adibatla Police Station, Rachakonda Commissionerate. The offences alleged against the petitioner are under Sections 304-II and 337 of the Indian Penal Code and Section 185 of the Motor Vehicle Act, 1988.

2. Briefly the case of the prosecution is that on 16.05.2023 at about 01.35 AM, the injured and the deceased who are the catering boys were boarding the DCM Van and the petitioner is a driver of the lorry with cement load, drove the lorry in a drunken condition and allegedly hit the DCM Van; resultantly, four persons died and six persons were injured and such act has been done with a knowledge of likelihood consequences of act of driving in a drunken condition.

3. Heard learned counsel for the petitioner - accused and learned Additional Public Prosecutor for the respondent - State.

4. It is stated that the petitioner - accused is in jail for more than 60 days and 35 witnesses have been examined. The receipt of post-mortem examination report is only pending. Considering that most of witnesses are examined and the manner in which the accident occurred, the request of the petitioner - accused for bail can be considered.

5. Accordingly, the Criminal Petition is allowed and the petitioner-accused shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of XV Additional Metropolitan Magistrate at Ibrahimpatnam.
- (ii) The petitioner-accused shall appear before the S.H.O., Adibatla Police Station, Rachakonda on every Monday and Sunday between 10 a.m., and 5 p.m for a period of two (02) months.
- (iii) The petitioner-accused shall not directly or indirectly influence or make any witnesses or complainant.

- (iv) The petitioner-accused shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigation agency. He shall not at in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

Date: 12.07.2023
ns/sa

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