

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1496 OF 2024

ORDER:

This criminal petition is filed by the petitioner – Accused under Sections 437 and 439 Cr.P.C. for grant of regular bail in Crime No.6 of 2024 on the file of the Station House Officer, Peddemul Police Station, Vikarabad District, registered for the offences under Sections 337, 324 read with 34 IPC, subsequently the section of law was altered from 324 IPC to Section 304 Part-II IPC and Sections 3 (2) (v) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The case of the prosecution in brief was that on 15.01.2024 at 16.00 hours, the defacto complainant, brother of the deceased, lodged a written report before the police stating that his brother, who was working as a Compounder in a Government Hospital, Nagasamundar village of Dharur Mandal, while returning to his village after attending duty on his TVS Excel vehicle at about 12.30 hours three persons, coming on a new Pulsar Bike, came in a rash and negligent manner and hit the vehicle of his brother near Gajipur village outskirts, resulting which his brother fell down and

sustained injuries. The villagers informed him about the incident. On receipt of the information, he went to the said place along with some of the villagers of Gajipur and while they were discussing with the bike rider Balu, in the meantime, one Pavan Reddy (petitioner herein) intervened and beat him and his brother with stones, resulting which his brother sustained injury on his ear and other bleeding injuries.

3. Basing on the said report, the above case was registered initially for the offences under Sections 337, 324 read with 34 IPC and subsequently, the section of law was altered from 324 IPC to Section 304 Part-II IPC and 3 (2) (v) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

4. Heard the learned counsel for the petitioner-accused, learned Additional Public Prosecutor for respondent No.1-State and the learned counsel for the respondent No.2.

5. Learned counsel for the petitioner submitted that a false case was foisted against the petitioner. He had never committed any offence much less the offences alleged against him. The complainant, at the instigation of the petitioner's rivals in the village, lodged the present complaint. The provisions of SC & ST Act were misused.

He further submitted that the petitioner stopped his car on seeing the accident and at that moment, the brother of the deceased came to the spot. As he was taking the video of the petitioner and his car, the petitioner asked him as to why he was taking the video and asked him to delete the video. The complainant refused to delete the same. Then the petitioner forcibly deleted the video and returned the cell phone to the complainant. He further submitted that the petitioner was arrested on 24.01.2024 and since then, he was in judicial custody, and prayed for grant of bail to the petitioner.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the deceased died due to the head injury as per the post mortem report and that the investigation was not concluded.

7. Learned counsel for the respondent No.2 submitted that the case ought to have been registered for the offence under Section 302 IPC rather than Section 304 Part-II IPC. The petitioner, instead of taking the deceased to the hospital, had beat him with a brick on his head, due to which the deceased died and opposed grant of bail to the petitioner.

8. Perused the record. The remand report of the petitioner would disclose that the incident occurred on 15.01.2024 and the deceased was shifted to Tandur Hospital after the accident where he was administered first aid by the duty doctor, who suggested them to take him to Hyderabad for better treatment, whereas they took him to a private hospital at Mahabubnagar, where he underwent treatment and discharged from the hospital on 16.01.2024 and while he was at home, he died on 17.01.2024 at 17.00 hours. As the same would disclose that the petitioner might have died due to not being given proper medical treatment and the offences under SC and ST Act and Section 304 Part-II IPC were subsequently added at the instigation of the de-facto complainant and the truth or otherwise of the incident would come to light only during the trial and as the petitioner was arrested on 24.01.2024 and was in custody since more than one month, it is considered fit to enlarge the petitioner on regular bail on certain conditions.

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

- 1) The petitioner-accused shall execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class, Tandur.
- 2) The petitioner-accused shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

February 26, 2024
KTL

Dr. G.RADHA RANI, J