

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1659 of 2024

ORDER :

This Criminal Petition is filed by the petitioner-accused No.5 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of regular bail in Crime No.88 of 2024 dated 24.01.2024 on the file of PS Jubilee Hills, registered for the offences under Sections 304-(ii), 308, 114, 201 and 202 of Indian Penal Code, 1860 (for short, 'IPC') and Sections 184, 185, 187 read with 205 of Motor Vehicles Act, 1988.

2. The case of the prosecution in brief was that on 24.01.2024, accused No.1 drove the car in a drunken condition and hit a Honda Unicorn Motor bike bearing No.TS10EE2802 from its behind at Alcazar turning Jubilee Hills Road No.36/10. Due to which, the rider of the motor bike died on the spot and the pillion rider sustained grievous injuries. The accused No.1 fled away from the scene. Subsequently, accused Nos.2 to 5 were arrested on 25.01.2024 and remanded before the concerned Judicial Magistrate.

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

4. Learned counsel for the petitioner submitted the petitioner-accused No.5 was a Software employee. He did not consume any alcohol. He was sitting in the rear seat of the car. The other accused persons picked him at his office at 04:40 hours on 24.01.2024 after completion of his job. The petitioner was not even aware that accused No.1 consumed alcohol. He boarded the car only ten minutes before the accident. The allegation that he encouraged and abetted accused No.1 to drive the car in a rash and negligent manner was false. The engagement of the petitioner's sister scheduled on 11.02.2024 was postponed due to the absence of the petitioner and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that the petitioner was sitting in the rear seat of the car and boarded the car only ten minutes before the accident even as per his remand report and without trial it cannot be said that he abetted the offence or encouraged accused No.1 to drive the vehicle in a rash and negligent manner and the cause of accident cannot be attributed to

him and he was in custody since 24.01.2024, it is considered fit to enlarge the petitioner on bail.

8. In the result, the petition is allowed and the petitioner is enlarged on bail on his executing a personal bond for Rs.25,000/- (Rupee Twenty Five thousand only) with two (02) sureties each for the like-sum to the satisfaction of the learned XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The petitioner shall comply with the conditions stipulated under Section 437(3) of Cr.P.C..

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G.RADHA RANI, J

Date : 15.02.2024

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