

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION NO.1791 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure (for short, 'Cr.P.C.') by the petitioner – accused No.5 to release her on bail in the event of her arrest in Crime No.86 of 2024 on the file of PS Ramchandrapuram, Cyberabad, registered for the offences under Sections 304A of the Indian Penal Code (for short 'IPC') and Section 187 of the MV Act, which were later altered to Section 304-II read with 109 of the IPC and Sections 180, 181, 184 and 187 of the MV Act.

2. The case of the prosecution in brief was that on 04.02.2024, the *de facto* complainant lodged a report before the police station stating that his brother while proceeding on a bike bearing No.TS36G0798 met with an accident at the U-turn near Beeramguda Khaman on NH 65 at about 08.00 AM. The driver of a Fortuner vehicle bearing No.TS 07 EF 1818 who was proceeding from Patancheru to Lingampally drove his vehicle in a rash and negligent manner and hit the vehicle of his brother and escaped

from the spot. His brother succumbed to injuries while undergoing treatment at KIMS Hospital, Kondapur.

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

4. Learned counsel appearing for the petitioner submitted that the vehicle was registered in the name of a partnership firm and the petitioner – accused No.5 was a sleeping partner of the said firm. The petitioner sold the vehicle to one Karupothula Mahesh for an amount of Rs.10,00,000/- on 09.01.2020 and submitted all the documents towards transfer of ownership of the vehicle. As per her information, the vehicle was also subsequently sold by the said Karupothula Mahesh to third parties. She had no personal acquaintance with the Juveniles in conflict with law 1, 3 and 4 or the accused No.2. She was not shown as an accused in FIR No.86 of 2024 initially but was shown as Accused No.5 subsequently. There were no serious allegations against her. The petitioner was apprehending arrest and prayed for grant of anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner as the offences registered were altered to Section 304-II read with Section 109 of IPC and Sections 180, 181, 184 and 187 of the MV Act.

6. Perused the record. Considering the documents filed by the learned counsel for the petitioner, the purchase agreement dated 09.01.2020 showing the sale of car by the petitioner to one Karupothula Mahesh and the confession-cum-seizure panchanama of accused No.2 also would not disclose that the petitioner was the owner of the vehicle at the relevant time, it is considered a fit case for grant of anticipatory bail to the petitioner.

7. In the result, the Criminal Petition is allowed and the petitioner – accused No.5 is granted anticipatory bail subject to the following conditions:

i) The petitioner – accused No.5 is directed to surrender before the concerned Station House Officer, Ramchandrapuram Police Station, Cyberabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall

release the petitioner – accused No.5 on bail, on her executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

ii) The petitioner – accused No.5 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, if any pending, shall stand closed.

Date: 16.02.2024
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Dr. G. RADHA RANI, J