

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1914 of 2024

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Cr.P.C. by the petitioners-accused Nos.2 and 3 seeking to release them on regular bail in Crime No.116 of 2024 on the file of Jubilee Hills Police Station, Hyderabad, registered for the offences punishable under Sections 201, 308, 336, 337 read with 114 of Indian Penal Code and Sections 187, 188 of Motor Vehicle Act, 1988.

2. The case of the prosecution in brief was that on 31.01.2024 at about 20:30 hours, Home Guard (Traffic Police) lodged a report, stating that Accused No.1 drove his car bearing No.AP-07-CV-3113 in a rash and negligent manner and took his car in between two (02) bikes, due to which both the motor bikes were dragged for some distance and the riders and pillion riders fell down on the road, one women sustained grievous injuries and other persons sustained bleeding injuries. Then, he called 108 Ambulance and shifted her to Medicovert Hospital. Basing on the report lodged by the Home Guard, a case in Crime No.116 of 2024 was registered for the above offences.

3. As per the complaint, the petitioners/Accused Nos.2 and 3 were travelling in the said car sitting in the rear seat and encouraged Accused No.1 and abetted him to speed up the car to enjoy the drive. A1 drove the vehicle in a drunken state under the influence of alcohol.

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

5. Learned counsel for the petitioners/Accused Nos.2 and 3 submitted that there were no specific allegations against the petitioners/Accused Nos.2 and 3, they were just roped in the present crime as they were travelling in the said car at the time of incident. The petitioners were arrested on 03.02.2024. All the offences registered were punishable with imprisonment under 7 years, no notice under Section 41A of Cr.P.C was issued to the petitioners and prayed to enlarge them on bail.

6. The learned Additional Public Prosecutor opposed grant of bail to the petitioners-accused Nos.2 and 3.

7. Perused the record. Considering that all the offences alleged are punishable with imprisonment up to 7 years only and the police had arrested the petitioners without complying the mandatory procedure

under Section 41A of Cr.P.C, and considering that the petitioners, they were travelling in the rear seat of the car and without trial it cannot be stated whether they had abetted A1 or not and as they were in judicial custody since 03.02.2024, it is considered fit to enlarge the petitioners on bail.

8. In the result, the Criminal Petition is allowed and the petitioners-accused Nos.2 and 3 are granted regular bail subject to the following conditions:

i) The petitioners-accused Nos.2 and 3 shall execute 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 learned XVII Additional Chief Metropolitan Magistrate at Hyderabad.

ii) The petitioners-accused Nos.2 and 3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, if any pending, shall stand closed.

Dr. G.RADHA RANI, J

Date: 21.02.2024
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