

THE HONOURABLE DR.JUSTICE G.RADHA RANI**CRIMINAL PETITION No.1917 OF 2024****ORDER:**

This Criminal Petition is filed by the petitioner-Accused No.2 under Section 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), seeking regular bail in Crime No.88 of 2024 on the file of the Station House Officer, Jubilee Hills Police Station, registered for the offences punishable under Sections 304-II, 337 of Indian Penal Code and Section 187 of Motor Vehicles Act, 1988.

2. The case of the prosecution in brief was that accused No.1, who was in drunken state, drove a black colour Verna car bearing No.TS-08-JN-6663 and hit a two wheeler near Swadeshi ‘Y’ Junction, Road No.36, Jubilee Hills, Hyderabad and caused death of the brother of the *de facto* complainant, aged 29 years, who was working as a bouncer in Snort Pub in Nova Hotel at Madhapur, while he was returning from his duty with his friend as pillion rider. Due to the said accident, the brother of the *de facto* complainant died on the spot and the pillion rider sustained grievous injuries. The accused Nos.2 to 5 were travelling with accused No.1 and they encouraged A1 to speed up the vehicle to enjoy the drive, due to which the accident occurred,

resulting in the death of the deceased.

3. Heard learned counsel for the petitioner/Accused No.2 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/Accused No.2 submitted that the petitioner was a student of National Forensic Sciences University, Gujarat and was pursuing M.Sc. final year in Forensic Psychology. She came to Hyderabad to undergo an internship program which was mandatory before the final examinations. The petitioner was in custody since 24.01.2024 and her studies were being affected due to her arrest and prayed to grant bail to the petitioner.

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

6. Perused the record. Considering that the police had charged the petitioner with a grave offence like culpable homicide not amounting to murder and at this stage it could not be said with certainty whether the act could be the result of a rash or negligent driving or amounting to culpable homicide not amounting to murder and that the petitioner/Accused No.2, who was friend of A1, travelling in the same

car had encouraged A1 to drive with speed, with a knowledge that his rash driving would result in the death of the deceased, it is considered fit to enlarge the petitioner on bail on certain conditions.

8. Accordingly, this Criminal Petition is allowed and the petitioner/Accused No.2 shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.2 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, Nampally, Hyderabad.
- ii) The petitioner/Accused No.2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 21.02.2024

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