

**THE HONOURABLE DR.JUSTICE G. RADHA RANI**

**CRIMINAL PETITION No.3065 of 2024**

**ORDER:**

This Criminal Petition is filed by the petitioners – A2 and A3 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of their arrest in Crime No.34 of 2024 on the file of PS Thirumalayapalem, Khammam District, registered for the offence punishable under Section 304-II read with Section 34 of IPC.

2. The case of the prosecution in brief was that on 29.01.2024 at 12:30 hours, the de-facto complainant – the father of the deceased lodged a report before the Police stating that his son Shaik Yakub Pasha, aged 28 years went to their agricultural land for starting motor. Their neighboring agricultural land owners fenced their land with electrical fencing to protect their crops from monkeys. But, they did not inform them. Un-aware of the electrical fencing installed by the said persons, his son met with an electric fusion and fell there and died on the spot.

3. Basing on the said report, the above crime was registered against A1 to A3.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent No.1 – State.

5. Learned counsel for the petitioners submitted that the petitioners were private employees residing at Nadimi Thanda, H/o.Hydersaipeta Village. They leased out their agricultural lands to third parties. The third parties with some other persons set up an electric wire to protect their agricultural crops from wild bores and monkeys. Due to the said problem only, the father of A2 and A3, i.e. A1 leased their lands to third parties. When the electric wire was set up by the lease holders, they informed adjacent land owners. But the deceased who was not aware about the installation of electric wire succumbed to death due to electric shock, the same was not intentional. A1 was granted anticipatory bail by the learned I Additional Sessions Judge vide CrI.M.P.No.146 of 2024 on 15.02.2024, but the same was dismissed against petitioners – A2 and A3 and prayed to enlarge the petitioners – A2 and A3 on anticipatory bail.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that due to health condition of A1, anticipatory bail was granted to A1, but the same was dismissed against A2 and A3 due to their involvement in the offence.

7. Perused the record.

8. No document was filed by the petitioners to show that the land was leased out to third parties. But, however, considering that the petitioners were not having any intention to cause the death of the deceased and considering the submission of the learned counsel for the petitioners that they were residing at some other village and were in private employment and leased out their lands, it is considered fit to grant anticipatory bail to the petitioners on certain conditions.

9. In the result, the Criminal Petition is allowed and the petitioners – A2 and A3 are granted anticipatory bail subject to following conditions:

(i) The petitioners – A2 and A3 are directed to surrender themselves before the Station House Officer of PS Thirumalayapalem, Khammam District within a period of (15) days from the date of this Order, and on such surrender, the SHO of PS Thirumalayapalem, Khammam District shall release the petitioners – A2 and A3 on bail on their executing a personal bond for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioners – A2 and A3 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

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**Dr. G. RADHA RANI, J**

**Date: 20<sup>th</sup> March, 2024**  
**Nsk.**