

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14070 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for granting of pre-arrest bail to the petitioner/accused in Crime No.226 of 2024 of Keshampet Police Station, Cyberabad.

2. The brief facts of the case are that the *de-facto* complainant was informed by his cousin that while the deceased, father of the de-facto complainant, was crossing the road, driver of the vehicle bearing No.AP 22 Q 9536, drove the vehicle in a rash and negligent manner and dashed the deceased. As a result, the deceased succumbed to the bleeding injuries. Hence, a case was registered vide Crime No.226 of 2024 before the Keshampet Police, Cyberabad, for the offences punishable under Section 106(1) of the BNS. Thereafter, the Section of law was altered from Section 106(1) of the BNS to Section 105 of the BNS.

3. Heard Sri Challa Srinivas Reddy, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar

Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that though the petitioner has no intention to cause death of the decease, the Police have altered the Section of law as Section 105 of the BNS only to avoid the notice under Section 35(3) of the BNSS. He further submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He also submitted that the petitioner is resident of Keshampet Mandal, Ranga Reddy District, with movable and immovable properties, and is willing to furnish sureties as directed. Hence, he prayed the Court to grant anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that there are serious allegations against the petitioner and also investigation is not yet completed, therefore, granting anticipatory bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the submissions made by both the parties and a perusal of the material placed on record, it is

apparent that the alleged accident occurred only to due to rash and negligent driving of the petitioner and *prima facie*, it is a negligent act and also there is no intention to cause harm to the deceased to alter the Section of law as Section 105 of the BNS. It is pertinent to note that material part of the investigation is completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S. Keshampet, Ranga Reddy District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 10 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 17.12.2024
gms

15

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14070 of 2024

Date: 17.12.2024

gms