

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3764 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.43 of 2025 of Amangal Police Station, Cyberabad Commissionerate, registered for the offence punishable under Section 106(1) of Bharatiya Nyaya Sanhita (BNS).

2. Heard Mr. Mogili Anaveni, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 26.02.2025 at about 7:00 A.M., the Station House Officer, Amangal Police Station, received a complaint from the complainant stating that on 25.02.2025, himself and his wife were traveling to Hyderabad from Achampet Town in their EV car and at

around 21.30 hours, at Amangal limits, they stopped near NH 765 and while they were crossing NH 765 for nature call, a motor cycle bearing registration No.TS31 FA 7152 coming from Hyderabad towards Amangal driven in a rash and negligent manner by the petitioner, hit his wife as a result of which, she sustained severe head injury and died on the spot. Basing on the said complaint, the aforesaid Crime was registered against the petitioner/accused for the aforesaid offence.

4. Learned counsel for the petitioner/accused submits that the petitioner has not committed the offence and he has been falsely implicated in the aforesaid crime. He further submitted initially the crime was registered for the offence under Section 106(1) of BNS, which is a bailable offence, but later, the section was law was altered to Section 105 of BNS, which is a non-bailable offence. He further submits that the petitioner is not involved in any other crime and he is the sole

bread winner of his family and he be granted anticipatory bail as he is ready and willing to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by the Court.

5. Per contra, learned Additional Public Prosecutor submits that the investigation is not yet completed and if the petitioner/accused is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having heard learned counsel for the parties and having perused the material available on record, it reveals that initially the crime was registered under Section 106(1) of BNS, but later, the Section of law was altered to Section 105 of BNS. Even according to the learned Additional Public Prosecutor, the petitioner is not involved in any other crime.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused subject to the following conditions:

- (i) Petitioner/accused is directed to surrender before the Station House Officer, Amangal Police Station, on or before 29.03.2025;
- (ii) On such surrender, the Station House Officer, Amangal Police Station, shall release the petitioner/accused on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused shall appear before the Station House Officer, Amangal Police Station, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.
- (iv) Petitioner/accused shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 24.03.2025
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J.SREENIVAS RAO, J