

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5146 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.2 and 3, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (for short 'BNSS'), in connection with Crime No.493 of 2025 on the file of Station House Officer, Miyapur Police Station, Cyberabad, registered for the offences punishable under Sections 105, 125(a) and 281 read with Section 49 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 180, 181, 184, 185 and 188 of the Motor Vehicles Act, 1988.

2. The brief facts of the case are that on 08.04.2025 at about 01:00 hours, the complainant, who is a traffic constable lodged a complaint stating that on 07.04.2025 at about 22:25 hours, while himself and two other constables *viz.*, Rajavardhan and Simhachalam were discharging their duties in Miyapur at U-turn near Metro Pillar No.600, a lorry bearing registration

No.AP15Y4069, driven by its driver in a rash and negligent manner and proceeding from Kukatpally towards Miyapur X roads, dashed the traffic umbrella, as a result of which Simhachalam suffered severe bleeding injuries on head, elbow and other parts of the body and Rajavardhan sustained injuries on right shoulder and their vehicles got damaged. He further stated that immediately, they caught hold of the driver of the said lorry and found that he is in drunken condition and taken him into custody and also shifted the injured in an auto to Srikara Hospital at Madinaguda, and after first aid, they were referred for better treatment to AIG Hospital, Gachibowli, but when they went there, Simhachalam was declared as brought dead and Rajavardhan is taking treatment. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. S.Ram Reddy, learned counsel for the petitioners/accused Nos.2 and 3 and Mr. Syed Yasar Mamoon,

learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged against them and they are brothers and running a rice mill in Sangareddy District and they loaded rice bags in the said lorry and the regular driver viz., Mohammed Basheeruddin has a valid heavy vehicle driving license and accused No.1 is a cleaner, who accompanied the driver to FCI godown at Erragadda, Hyderabad ,and after unloading the rice bags, the vehicle was parked in the FCI godown due to traffic restrictions in Hyderabad city and the driver went out on some work and in the meanwhile, accused No.1, without informing the driver, had driven the vehicle, which resulted in the aforesaid incident. Learned counsel further submits that merely because the petitioners/accused Nos.2 and 3 are the owners of the vehicle as well as the goods transported therein, they have been falsely implicated in the crime and they are not

having any criminal antecedents and they be granted anticipatory bail as they are ready and willing to cooperate with the investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the bail petition stating that the alleged incident caused the death of a traffic constable while on duty and the investigation is in progress and at this stage, the petitioners are not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by learned counsel for the parties and after perusal of the material available on record, it reveals that the main allegations are levelled against accused No.1, who drove the vehicle in rash and negligent manner and there are no specific allegations against petitioners/accused Nos.2 and 3 to attract the ingredients of Sections 105, 125(a) and 281 read with Section 49 of BNS. Even according to the learned Additional Public

Prosecutor, the petitioners are not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail in favour of the petitioners/accused Nos.2 and 3 subject to the following conditions:

- (i) Petitioners/Accused Nos.2 and 3 are directed to surrender before the Station House Officer, Miyapur Police Station, Cyberabad, on or before 29.04.2025;
- (ii) On such surrender, the Station House Officer, Miyapur Police Station, Cyberabad, shall release the petitioners/accused Nos.2 and 3 on bail on their executing personal bonds for a sum of Rs.30,000/- (Rupees Thirty thousand only) each with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioners/accused Nos.2 and 3 shall appear before the Station House Officer, Miyapur Police Station, Cyberabad, 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) Petitioners/accused Nos.2 and 3 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioners/accused Nos.2 and 3 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. Accordingly, the Criminal Petition is allowed.

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

Date: 22.04.2025
LUR

J.SREENIVAS RAO, J