

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6789 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused seeking anticipatory bail in the event of his arrest in Crime No.57 of 2025 of Danthalapally Police Station, Mahabubabad District, registered for the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of prosecution in brief is that the *de facto* complainant lodged a complaint on 02.05.2025 stating that on 01.05.2025 afternoon at 15.00 hours, she along with her husband and younger daughter started on bike XL 100 bearing TS 29 9836 from Yenakunta Thanda of Thungathurty Mandal and proceeding to Peddamupparam village and when they reached in front of the house of Aluvala Ramulu, the driver of Jupiter TVS bearing No.TS 04 ES 8404 tied two badishelu cut for oil farm plantation beside of his bike without any precautions and he applied sudden break, due to which her husband unable to control his bike and dashed the

Jupiter bike and the said badishalu cut to his throat and she along with her daughter fell down from the road. When she is trying to stop oozing blood by tying towel, due to heavy bleeding her husband died on the spot. Hence, the complaint.

3. Heard Mr. P. Papaiah, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the present crime. He further submitted that the husband of the *de facto* complainant died due to his negligence and there is no negligence on the part of the petitioner. Hence, the ingredients under Section 105 of the BNS are not attracted against the petitioner. The petitioner is an agriculturist, aged about 69 years, and suffering with old age ailments and he is not having any criminal antecedents. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress. At this stage, if the petitioner is granted anticipatory bail, he will interfere with the investigation and influence the witnesses. Hence, the petitioner is not entitled to seek anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal the material available on record, it reveals that there are no specific allegations levelled on the part of the petitioner that due to his negligence, the husband of the *de facto* complainant had sustained injuries and died. The specific contention raised by the learned counsel for the petitioner that the petitioner is an agriculturist and aged about 69 years and suffering with old age ailments and he is not having any criminal antecedents is not disputed by the learned Additional Public Prosecutor.

7. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

- (i) The petitioner/accused is directed to surrender before the Station House Officer, Danthalapally Police Station, Mahabubabad District on or before 25.06.2025 and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each.
- (ii) On such release, the petitioner/accused shall appear before the Station House Officer, Danthalapally Police Station, Mahabubabad District, on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) The petitioner/accused shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 17.06.2025
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