

**IN THE COURT OF XVI ADDITIONAL DISTRICT & SESSIONS
JUDGE: NANDIGAMA**

Present: **V.Srinivasa Rao,**

XVI Addl. District & Sessions Judge, Nandigama.

Tuesday, this the 28th day of March, 2023.

Crl.M.P.No. 107 of 2023

in

Crime No.510 of 2021 of Nandigama Police Station

Between:

Vuyyyala Naga Tirupathi Rao @ Raju,
S/o Ramaiah, 39 years, S.T Yerukula, Near
Vellampalli Park, Kurdush Nagar,
Kedareswara Rao pet, Vijayawada

..... Petitioner/
Accused

And

The State: S.H.O.,
Nandigama Police Station,
Krishna District., Rep. by its Addl. Public
Prosecutor, Nandigama

..... Respondent/
Complainant.

This petition is coming before me on 27.03.2023, for hearing in the presence of Sri G. Rama Rao, Advocate for the petitioner/Accused and of Learned Addl., Public Prosecutor for the respondent/complainant and after hearing both sides and upon perusing the material on record, this Court made the following:

ORDER

This is the bail application is filed by the petitioner/Accused U/ss.437 and 439 of Criminal Procedure, 1973 (herein after referred as Cr.P.C for brevity) seeking to grant bail in Crime No.510 of 2021 of Nandigama Police Station for the alleged offence against the petitioner/Accused under Section 304-II, 201 of IPC and Sec.180 and 181 of M.V. Act.

2) The case of the prosecution is that one M. Apparao, VRO, Ambarupeta (herein after called as the defacto-complainant) received a phone call on 10.08.2021 at about 11.00 am from one Gorantla Rayappa stating that beside NH-65 road, near his Timber Depot he found one un identified dead body in decomposed state, and that he rushed there and presented a report to the defacto-complainant.

U&C - S

It is stated from the record that one T. Rekha (herein after called as deceased) resident of Chittinagar, Vijayawada used to sell fruits in Kaleswararao Market, Vijayawada, where as her husband did not take care of herself and children. The accused is auto driver. The accused developed illegal contact with the deceased in the year 2020 and the same is known by the wife of the accused and family members of the deceased and they quarrel with the accused. On 30.07.2021 the accused and his brother Kavati Narayana consumed liquor in Sarkar bar situated in Kaparathi Cinema hall, where Narayana informed to the accused that Venkateswara Rao, who is the brother-in-law of the said Kavati Narayana beat Narasamma who is the sister of the said Narayana and caused injuries and they intends to threaten the said Venkateswararao.

It is further seen from the record that when the accused and the said Narayana about to go to Ithavaram, but Narayana did not accept to go at that time as the accused was intoxication state. Then, the accused and deceased left Vijayawada on motor cycle Yamaha FZ bearing No. AP 16 EB 4258 to Ithavaram village, due to intoxication state the accused crossed Ithavaram and reached Nandigama bypass cross road, then they return to go to Ithavaram on wrong route on NH-65 road, the accused being the rider of the motor cycle drove in a rash and negligent manner with a view to avoid collision to the opposite lorry, he dashed a cement pail and that the accused and deceased fell on the ground and received injuries.

It is further seen from the record that after 10 minutes the accused woke up and observed the deceased found dead. Then with a view to screening the evidence, the accused buried the dead body of the deceased beside the road with the cement stones, later the accused left the motor cycle. Basing on the complaint of the defacto-complainant, initially case was registered U/s.174 of Cr.P.C. Subsequently, during the investigation the complainant altered the offence U/s.304-II, 201 of IPC and Secs.180 and 181 of M.V Act.

CJC

3) Notice is given to the learned Additional Public Prosecutor and he submitted C.D file.

4) Heard, the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor.

5) The learned Additional Public Prosecutor opposed to grant bail to the petitioner/Accused if he released on bail he may tamper the witness.

6) The learned counsel for petitioner/accused submitted that he did not commit any offence and he is the sole bread winner of the family. The petitioner/Accused is nothing to do with the case. The entire investigation is completed and only charge sheet has to be filed.

7) **Now the point for consideration is:**

"Whether the request of petitioner/accused for grant of bail can be accepted to"?

POINT:

8) Perused the F.I.R. and C.D.

9) It can be seen from the record, the stage of investigation is, RFSL Report has to be received and charge sheet has to be filed.

10) It can be seen from the record, that the petitioner/Accused is while riding the motor cycle in a wrong route, to avoid the collision to the opposite lorry he dashed the cement pail, as a result, the deceased died. But, he buried the dead body of the deceased with cements stones and left the place, as if he did not know anything about the offence, which shows there is a prima facie case for the offence under Section 304-II, 201 of IPC and Sec.180 and 181 of M.V Act. The petitioner/accused was sent to judicial custody on 24.12.2023.

11). So, having considered the facts, I am of the opinion that the petitioner/accused can be released on bail with some conditions.

12) In the result, the bail petition for the petitioner/accused is allowed with some conditions:

CR

- 1) The petitioner/accused are ordered to be released on bail on execution of bond of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Nandigama.
 - 2) The petitioner/Accused shall follow the following conditions contemplated U/s.437(3) of Cr.P.C., without any deviation.
 - a) That the petitioner/accused shall not commit any offence similar to the offences of which he is an accused or of the commission of which he is suspected, or;
 - b) That the petitioner/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;
 - 3) The petitioner/accused shall not leave the India, without prior permission of the Court and petitioner/accused shall cooperate to the police for further investigation if any;
 - 4) If the petitioner/accused deviate any conditions, the prosecution is at liberty to take steps for cancellation of the bail of the petitioner/accused.
- 13) In the result, the petition is allowed accordingly.

Typed to my dictation to the Typist, corrected and pronounced by me, on this the 28th day of March, 2023.


**XVI Addl. District & Sessions
Judge, Nandigama.**

Copies to:

- 1) The Station House Officer, Nandigama Police Station,
- 2) The Addl., Public Prosecutor, XVI ADJ Court, Nandigama,
- 3) The Addl., Judicial Magistrate of First Class, Nandigama.

