

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 15972 of 2016

DATE: 16.11.2016

Between:

Bera Eswara Rao
and three others

.. Petitioners/
A2, A3, A6 & A7

And

The State of Andhra Pradesh

.. Respondent



ORDER:-

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to relax the conditions imposed in the Common Order dated 03.11.2016 in Crl.M.P.No.3607 of 2016 and Crl.M.P.No. 3614 of 2016 in Cr.No. 79 of 2016 passed by the Court of Metropolitan Sessions Judge-cum-Special Judge to Try the Offences Under NDPS Act, Visakhapatnam.

The Common Order dated 03.11.2016 passed by the trial Court is as under:

“In the result, the petitions are allowed directing the petitioners/ accused to be enlarged on bail subject to furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) each and two sureties each who shall furnish a Fixed Deposits of Rs.50,000/- (Rupees Fifty Thousand Only) each to the satisfaction of the learned Judicial First Class Magistrate, V.Madugula. The petitioners and the sureties shall furnish the attested copies of their Aadhar Card and the bail is subject to the verification of the genuineness of the details of the Aadhar Card. The petitioners shall not interfere with the investigation and shall not tamper with the evidence and shall not threaten the witnesses and they shall appear before the Station House Officer, V.Madugula Police Station on every Monday between 10:00 a.m. and 05:00 p.m., for a period of three months or till filing of the charge sheet whichever is earlier.”

Keeping in view the averments made in this petition, this Court is inclined to modify the Common Order dated 03.11.2016 passed in Crl.M.P.No.3607 of 2016 and Crl.M.P.No. 3614 of 2016 in Cr.No. 79 of 2016 to the following effect:

“The 1st, 3rd and the 4th petitioners – A2, A6 and A7 are directed to be enlarged on bail subject to the condition that they shall

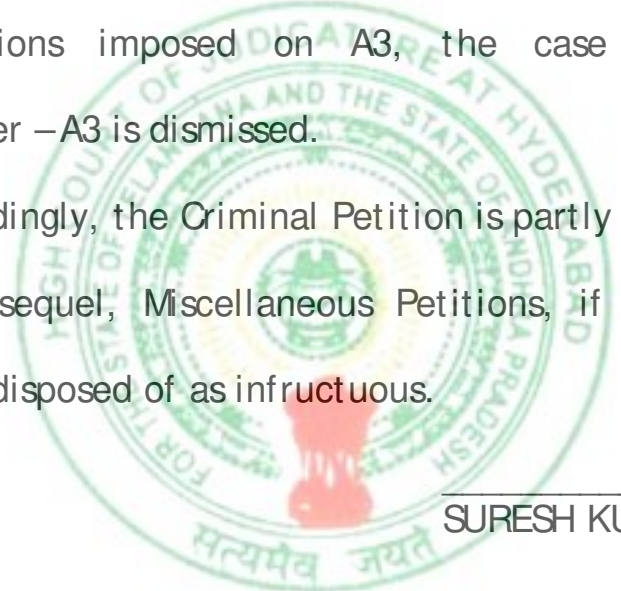
furnish personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with two sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate, V.Madugula. The sureties need not furnish Fixed Deposits. All other conditions shall remain unaltered in respect of A2, A6 and A7.”

The order dated 03.11.2016 passed by the Metropolitan Sessions Judge-cum-Special Judge to Try the Offences Under NDPS Act, Visakhapatnam is modified to the extent indicated above.

Inasmuch as I do not find any tenable ground to relax the conditions imposed on A3, the case against the 2nd petitioner –A3 is dismissed.

Accordingly, the Criminal Petition is partly allowed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.



SURESH KUMAR KAIT, J

16.11.2016

bcj