

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 17076 of 2016

ORDER:

Vide the present petition, the petitioners/Accused Nos.1 and 2 seek a direction, thereby relaxing the conditions imposed on them in Crl.M.P.No.3100 of 2016 dated 05.10.2016 on the file of learned Metropolitan Sessions Judge-cum- Special Judge to try the offences under NDPS Act, at Visakhapatnam.

While enlarging the petitioners/Accused Nos.1 and 2 on bail, the Metropolitan Sessions Judge directed the petitioners to execute personal bond for a sum of Rs.50,000/- each with two sureties each for the like sum and the sureties shall furnish fixed deposit of Rs.50,000/- each to the satisfaction of the learned III Metropolitan Magistrate, V.Madugula.

Learned counsel appearing on behalf of the petitioners/Accused Nos.1 and 2 submits that the petitioners are poor persons and they cannot afford the sureties with FDRs as directed by the trial Court. He submits that by these conditions they shall remain in jail, and thereby their right to get enlarged on bail is denied.

Learned Additional Public Prosecutor has opposed the present petition and submits that if the conditions are relaxed, they may fled away from the judicial process and nothing could be recovered from them.

Keeping in view the averments made in the instant petition and the submissions of learned counsel for the petitioners and the learned Additional Public Prosecutor, I hereby modify the order passed by the Court below in CrI.M.P.No.3100 of 2016, dated 05.10.2016 and direct the Metropolitan Sessions Judge to enlarge the petitioners on bail on their executing personal bond for a sum of Rs.50,000/- each with two sureties of like sum each and relax the condition of furnishing the FDRs by the sureties.

It is needless to state that the bail is subject to verification of genuineness of the sureties. The rest of the conditions in the order dated 05.10.2016 shall remain intact.

With the above modification in the order of the Court below, this Criminal Petition is partly allowed.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

JUSTICE SURESH KUMAR KAIT

DATED 22nd December, 2016.
Msnr_x