

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No.14996 of 2016

ORDER:

Vide the present petition, the petitioners/Accused No.1 & 2 seek direction, thereby relaxing the conditions imposed on the petitioners/Accused No.1 & 2 in CrI.M.P.No.2870 of 2016 dated 28.09.2016 on the file of the Metropolitan Sessions Judge-cum-Spl.Judge to try offence under NDPS Act, Visakhapatnam.

While enlarging the petitioners/Accused on bail, the Metropolitan Sessions Judge directed the petitioners to execute a personal bond for a sum of Rs.1,00,000/- each with two sureties each and the sureties shall furnish a fixed deposit of Rs.1,00,000/- each to the satisfaction of Judicial First Class Magistrate, Chintapalli.

Learned counsel appearing on behalf of the petitioners/Accused No. 1 & 2 submits that the petitioners are poor persons, they cannot afford the sureties with FDRs as directed by this Court. He submits that by these conditions they shall remain in jail, and in this manner, their right to get enlarged on bail, is denied.

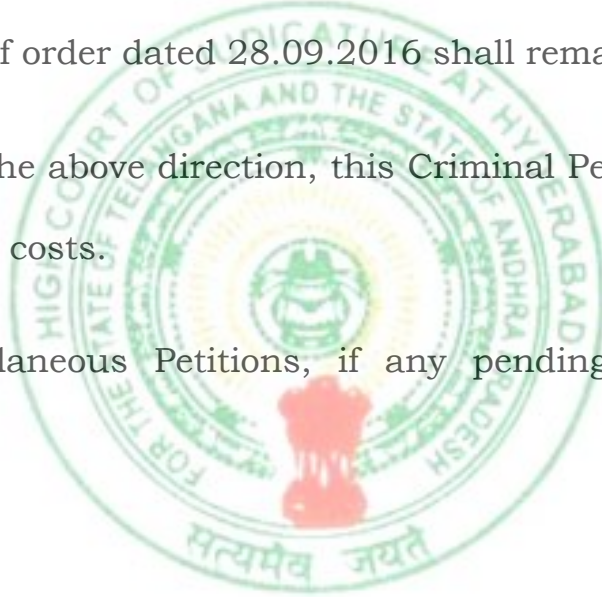
Learned Additional Public Prosecutor has opposed the present petition and submits that if the conditions are relaxed, they may fled away from the judicial process and nothing could be recovered from them.

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 in CrI.M.P.No.2870 of 2016 dated 28.09.2016 and direct the Metropolitan Sessions Judge to enlarge the petitioners on bail on executing a personal bond for a sum of Rs.1,00,000/- each with two sureties each.

It is needless to state that the bail is subject to verification of genuineness of the sureties. The remaining conditions of order dated 28.09.2016 shall remain intact.

With the above direction, this Criminal Petition is partly allowed. No costs.

Miscellaneous Petitions, if any pending, shall stand closed.



JUSTICE SURESH KUMAR KAIT.

Date: 17-10-2016
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