

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 17262 of 2016

ORDER:

Vide the present petition, the petitioners/Accused 2 and 3 seek a direction, thereby relaxing the conditions imposed on them in CrI.M.P.No.3624 of 2016 dated 03.11.2016 on the file of the Metropolitan Sessions Judge-cum-Special Judge to try offences under NDPS Act, Visakhapatnam.

While enlarging the first petitioner/Accused No1 on bail, the Metropolitan Sessions Judge directed him to execute personal bond for a sum of Rs.1,00,000/- with two sureties each for the like sum and while enlarged the second petitioner/Accused No.2, the learned Judge directed him to execute personal bond for Rs.50,000/- with two sureties each for the like sum and further directed that the sureties of both the accused shall furnish fixed deposit of Rs.1,00,000/- and Rs.50,000/- each respectively, to the satisfaction of the Additional Judicial First Class Magistrate, Narsipatnam.

Learned counsel appearing on behalf of the petitioners/Accused 2 and 3 submits that the petitioners are a 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 him.

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.3624 of 2016, dated 03.11.2016 and direct the Metropolitan Sessions Judge to enlarge the petitioners/Accused Nos. 2 and 3 on bail on their executing personal bond for a sum of Rs.50,000/- with two sureties of like sum each and thereby relax the condition of sureties furnishing FDRs.

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 03.11.2016 shall remain intact.

With the above direction, 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 29th December, 2016.
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