

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 14930 of 2016

ORDER:

Vide the present petition, the petitioner/Accused seeks a direction, thereby relaxing the conditions imposed on the petitioner/Accused in CrI.M.P.No.2861 of 2016 dated 28.09.2016 on the file of the Metropolitan Sessions Judge-cum-Special Judge to try offences under NDPS Act, Visakhapatnam.

While enlarging the petitioner/Accused on bail, the Metropolitan Sessions Judge directed the petitioner to execute a personal bond for a sum of Rs.50,000/- with two sureties each and the sureties shall furnish fixed deposit of Rs.50,000/- each to the satisfaction of the Additional Judicial First Class Magistrate for Prohibition and Excise cases, Visakhapatnam.

Learned counsel appearing on behalf of the petitioner/Accused submits that the petitioner is a poor person and he cannot afford the sureties with FDRs as directed by the trial Court. He submits that by these conditions he shall remain in jail, and thereby his right to get enlarged on bail is denied.

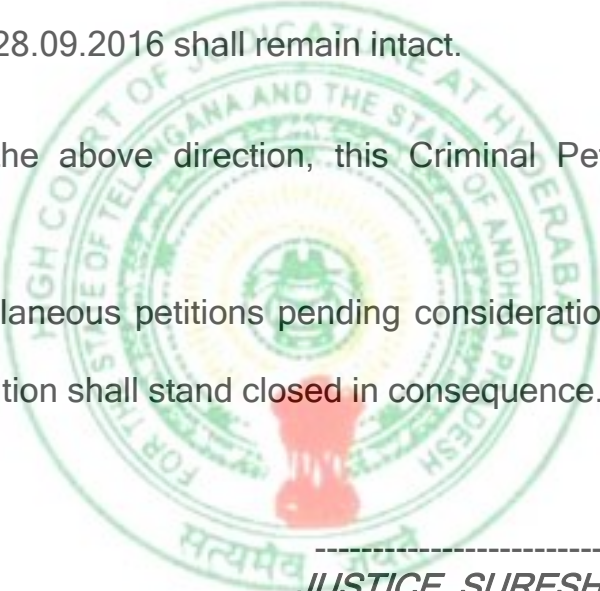
Learned Additional Public Prosecutor has opposed the present petition and submits that if the conditions are relaxed, he may fled away from the judicial process and nothing could be recovered from him.

Keeping in view the averments made in the instant petition and the submissions of learned counsel for the petitioner and the learned Additional Public Prosecutor, I hereby modify the order in CrI.M.P.No.2861 of 2016, dated 28.09.2016 and direct the Metropolitan Sessions Judge to enlarge the petitioner on bail on her executing a personal bond for a sum of Rs.50,000/- with two sureties of like sum each.

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 28.09.2016 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 24TH October, 2016.
Msnr_x