

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

THURSDAY THE THIRD DAY OF NOVEMBER  
TWO THOUSAND AND SIXTEEN

PRESENT  
**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**

**CRIMINAL PETITION [SR] NO. 50227 OF 2016**

**CRIMINAL PETITION NO. 15800 OF 2016**

Between:

Syed Khaja

... Petitioner/A-5

V/s.

The State of Andhra Pradesh  
Represented by its Public Prosecutor [AP]  
High Court of Judicature for the State  
Of Telangana & Andhra Pradesh,  
Hyderabad.  
Through the Station House Officer,  
Pendurthy Police Station,  
Visakhapatnam District.

... Respondent

Counsel for the Petitioner:

Sri G. Venkat Reddy

Counsel for the Respondent:

Public Prosecutor [AP]

The court made the following:

[order follows]

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT****CRIMINAL PETITION [SR] NO. 50227 OF 2016****CRIMINAL PETITION NO. 15800 OF 2016****ORDER :**

This Criminal Petition is filed by the petitioner/A-5 under section 438 Cr.P.C. seeking to relax the conditions imposed on the petitioner/A-5 in CrI.MP.No. 3198 of 2016 in CrI.MP.No. 1652 of 2016, vide order dated 18/10/2016, on the file of Metropolitan Sessions Judge-cum-Special Judge to try the Offences under Narcotic Drugs and Psychotropic Substances Act, Visakhapatnam.

2. Sri G.Venkata Reddy, learned counsel for the petitioner/A-5 submits that vide the aforesaid order, the conditions earlier imposed was relaxed whereby the petitioner/A-5 was directed to furnish a personal bond for Rs.1,00,000 and two local sureties, who shall furnish a fixed deposit of Rs.1,00,000/- each. The bail will be subject to verification of the residential addresses and particulars of the accused and the surety and also the genuineness of the sureties themselves.

3. Learned counsel appearing on behalf of the petitioner/A-5 submits that despite the bail granted by the Court of Metropolitan Sessions Judge, Visakhapatnam, vide order dated 18/10/2016, the petitioner could not arrange the sureties as directed by the said court. The conditions are onerous and harsh and it amounts to denying the bail to the petitioner/A-5, which is his legal right.

4. Keeping in view the averments made in the said petition and submission of the counsel for the petitioner/A-5, I hereby direct the trial Court to admit the petitioner/A-5 on bail on furnishing a personal bond for Rs.50,000/- [Rs. Fifty Thousand only] with one local surety and other surety from his native place Tamil Nadu for the likesum to its satisfaction. The bail shall be subject to verification of the residential addresses and particulars of the petitioner/A-5 and the surety and also the genuineness of the sureties themselves.

5. I hereby make it clear that the petitioner/A-5 shall be present as and when called by the Station House Officer, Pendurthi Police

Station, Visakhapatnam district for the purpose of investigation till the filing of charge sheet.

6. The Criminal Petition is accordingly allowed.

7. As a sequel, miscellaneous petitions if any pending in this Criminal Petition shall stand disposed of.

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**JUSTICE SURESH KUMAR KAIT.**



03/11/2016  
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**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**

**CRIMINAL PETITION [SR] No. 50227 OF 2016**

**CRIMINAL PETITION NO. 15800 OF 2016**



Date: 03/11/2016  
Circulation No.

Court Master: I s L

