

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 15903 of 2016

ORDER:

Vide present petition, the petitioners/Accused Nos.1 to 3 seek a direction, thereby relaxing the conditions imposed on them in CrI.M.P.No.3473 of 2016 dated 26.10.2016 on the file of Metropolitan Sessions Judge-cum-Special Judge to try offences under NDPS Act, Visakhapatnam.

While enlarging the petitioners/Accused Nos.1 to 3 on bail, the Metropolitan Sessions Judge directed them to execute personal bond for a sum of Rs.1,00,000/- each with two sureties each for the like sum and the sureties shall furnish fixed deposit of Rs.1,00,000/- each to the satisfaction of the Additional Judicial First Class Magistrate, Narsipatnam.

Learned counsel appearing on behalf of the petitioners/Accused Nos.1 to 3 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, the accused 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.3473 of 2016, dated 26.10.2016 and direct the Metropolitan Sessions Judge to enlarge the petitioners/Accused Nos.1 to 3 on bail on their executing personal bond for a sum of Rs.1,00,000/- each with two sureties of like sum each.

It is needless to state that the sureties shall furnish their attested copies of Aadhar card and the bail is subject to verification of genuineness of the residence and the other details of the petitioners/Accused Nos.1 to 3 as well as sureties. The rest of the conditions in the order dated 26.10.2016 shall remain intact.

With the above modification, 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 15TH November, 2016.
Msnr_x