

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 15394 of 2016

ORDER:

Vide the present petition, the petitioner/Accused No.2 seeks a direction, thereby relaxing the conditions imposed on the petitioner/Accused No.2 in CrI.M.P.No.2909 of 2016 dated 05.10.2016 on the file of the Metropolitan Sessions Judge-cum-Special Judge to try offences under NDPS Act, Visakhapatnam.

While enlarging the petitioner/Accused No.2 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 Judicial First Class Magistrate, Araku.

Learned counsel appearing on behalf of the petitioner/Accused No.2 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.2909 of 2016, dated 05.10.2016 and direct the Metropolitan Sessions Judge to enlarge the petitioner/Accused No.2 on bail on 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 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 petitioner/Accused No.2 as well as sureties. The rest of the conditions in the order dated 05.10.2016 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 19TH October, 2016.
Msnr_x