

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

[Special Original Jurisdiction]

MONDAY THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 15592 OF 2016

Between:

Palasi Gangadhar & Ors. ... Petitioners/A-1 to A-11

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. ... Respondent
Through the Station House Officer,
Devarapalli Police Station, [Cr.No.78/2016]
Visakhapatnam District.

Counsel for the Petitioners: Sri Narasimhulu Parise

Counsel for the Respondents: Public Prosecutor [TG]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 15592 OF 2016

ORDER :

This Criminal Petition is filed by the petitioners/A-1 to A-11 under section 482 Cr.P.C. seeking to relax the condition of directing them to furnish fixed deposit of Rs.50,000/- [Rs. Fifty Thousand only] each by two sureties as imposed in the order dated 26/10/2016 passed in CrI.MP.No. 3282 of 2016 by the Metropolitan Sessions Judge-cum-I-Additional District and Sessions Judge, Visakhapatnam, while granting bail in Crime No. 78 of 2016 of Devarapalli Police Station, Visakhapatnam district.

2. The case of the prosecution is that on 09/10/2016 at 01:00 p.m., the Sub-Inspector of Police, Devarapalli Police Station received credible information about the Ganja. Thereafter, he informed to the Inspector of Police, Chodavaram, and he immediately along with his staff rushed to Kasipuram junction along with mediators. Accordingly, stopped two autos wherefrom eleven persons tried to

escape then he apprehended them with the assistance of his staff. On search, it is found that the accused persons were carrying two plastic white colour gunny bags containing 30 Kgs and 32 Kgs respectively in Auto bearing Regn. No.AP-31-TG-3769. Thereafter, the accused persons were arrested, seized the contraband, registered FIR in Crime No.78 of 2016 for the offences under section 20 [b][[1] read with 8 [c] of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The petitioners filed bail application in Crl.MP.No. 3282 of 2016 on the file of Metropolitan Sessions Judge-cum-I-Additional District and Sessions Judge, Visakhapatnam for grant of bail. By order dated 26/10/2016, the learned Sessions Judge granted bail to the petitioners subject to furnishing a personal bond of Rs.50,000/- [Rs. Fifty Thousand only] each and two local sureties each, who shall furnish a fixed deposit of Rs.50,000/- [Rs. Fifty Thousand only] each to the satisfaction of Additional Judicial First Class Magistrate, Chodavaram and the petitioners and sureties shall furnish the attested copies of their Aadhar Card and the bail is subject to the verification

of the genuineness of the details of the Aadhar Card. It is further directed that the petitioners shall not interfere with the investigation and shall not tamper with the evidence and shall not threaten the witnesses and they shall appear before the Station House Officer, Devarapalli Police Station, on every Monday between 10:00 a.m. and 05:00 p.m. for a period of three months or till filing of the charge sheet, whichever is earlier.

4. Learned counsel for the petitioners/A-1 to A-11 submits that the petitioners belong to Scheduled Tribe Community and they are residing in agency area. Petitioners 3 and 5 are the students, whereas the other petitioners are eking out their livelihood by attending agricultural works and earning meagre amount and they have no sufficient money. Therefore, the conditions imposed by the trial court as noted above is too onerous, as the petitioners/A-1 to A-11 are below the poverty line, therefore, there is no possibility to furnish Fixed Deposit Receipt for a sum of Rs.50,000/- each of the petitioners/A-1 to A-11. Hence, learned counsel for the petitioners/A-1

to A-11 prayed to modify the order dated 26/10/2016 passed in Crl.MP.No. 3282 of 2016 by the Metropolitan Sessions Judge-cum-I-Additional District and Sessions Judge, Visakhapatnam.

5. Keeping in view the averments made in the instant petition and submission of learned counsel for the petitioners/A-1 to A-11, the order dated 26/10/2016 passed in Crl.MP.No. 3282 of 2016 by the learned Metropolitan Sessions Judge-cum-I-Additional District and Sessions Judge, Visakhapatnam, I hereby modify the conditions as specified below :

“ In the result, the petition is allowed, directing the petitioners/A-1 to A-11 to be enlarged on bail on their executing a personal bond of Rs.25,000/- [Rs. Twenty Five Thousand only] with one local surety for the like sum to the satisfaction of learned Judicial Magistrate of First Class, Chodavaram and the sureties shall furnish their attested copies of Aadhar Card and this modified order is subject to verification of the genuineness of the residence and other details of the petitioners/A-1 to A-11 as well as local sureties. The other conditions imposed by the learned Sessions Judge in the order dated 26/10/2016 in Crl.MP.No. 3282 of 2016 shall remain in force ”.

6. Accordingly, the order dated 26/10/2016 passed in
Crl.MP.No. 3282 of 2016 in Crime No. 78 of 2016 of Devarapalli
Police Station, by the learned Sessions Judge, Visakhapatnam, is
modified to the extent indicated above.

7. Accordingly, the Criminal Petition is allowed

8. In view of the above, the Criminal Petition is accordingly
allowed.

31/10/2016
I s L



JUSTICE SURESH KUMAR KAIT.

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 15592 OF 2016



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Court Master: I s L