

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.159 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - accused No.4 viz., Gopinayaka Vinod Kumar requesting to relax the condition imposed by the learned Metropolitan Sessions Judge - cum - I Additional District and Sessions Judge, Visakhapatnam, by the order dated 20.12.2016 in Criminal M.P. No.4222 of 2016 in Crime No.85 of 2016 of Rolugunta Police Station.

2. The learned Sessions Judge while releasing the petitioner on bail directed him to execute a personal bond for a sum of Rs.50,000/- with two (2) sureties for a like sum each and to furnish a fixed deposit for Rs.50,000/- each drawn in the name of the said Court to the satisfaction of the learned Additional Judicial Magistrate of First Class, Narsipatnam.

3. The request herein is to set aside the condition to furnish fixed deposit for Rs.50,000/- as similar condition was relaxed by this Court through the orders dated 02.01.2017 and 03.01.2017 in Criminal M.P. Nos.77, 64 and 30 of 2017, respectively, as the petitioner herein stand on the same footing.

4. Since the offences alleged against the petitioner are under Sections 20(b)(ii)(b), 25 read with Section 8(c) of the Narcotic Drugs

and Psychotropic Substances Act, 1985, certainly, reducing the condition of furnishing fixed deposit for Rs.50,000/- cannot be acceded to.

5. However, furnishing the fixed deposit for Rs.50,000/- ordered by the learned Sessions Judge can be reduced to Rs.25,000/- so far as the sureties are concerned, directing them to furnish a fixed deposit for Rs.25,000/- (Rupees twenty five thousand only) each instead of Rs.50,000/-.

6. Accordingly, the Criminal Petition is allowed in part modifying the order impugned to the extent indicated above. All other conditions remain unaltered.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 1, 2017.
PV