

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE TWENTY SEVENTH DAY OF DECEMBER, TWO
THOUSAND AND SEVENTEEN
: PRESENT :
THE HONOURABLE SMT JUSTICE T. RAJANI
CRLP .No. 12538 of 2017**

Between:-

Kamal Prasad Jaiswal, S/o. Shyamlal Jaiswal.

..... Petitioner/Accused No.3.

AND

The State of Telangana, rep. by its Public Prosecutor,
High Court of of Telangana and Andhra Pradesh, Hyderabad,
Through P.S. Bellampalli.

.....Respondent/Complainant.

Petition filed under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner/A3 on bail in Crime No. 151 of 2017 on the file of the Court of the Judicial First Class Magistrate at Bellampalli-II (T), in the interest of justice.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Muhammed Adam, Advocate for the Petitioner and of Public Prosecutor(TS) on behalf of Respondent-State, the Court made the **following ORDER :-**

“The criminal petition is filed seeking for grant of bail to the petitioner, who is A3, in Cr.No.151 of 2017 on the file of Bellampalli II Town Police Station, Adilabad District. The offences alleged are under Sections 188, 270, 273 and 328 of the Indian Penal Code and Sections 59(1) and 55 of the Food Safety and Standards Act, 2006.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent. Perused the record.

3. Learned counsel for the petitioner submits that Section 328 IPC is not attracted to the facts of this case, as the case of the prosecution is that the petitioner was transporting pan masala bags and not poison. So far as Section 273 IPC is concerned, it prescribes punishment for sale of noxious food items. However, by sale of Pan Masala, it cannot be said that it is done with an intent to hurt, as required by Section 328 IPC, which is the offence carrying sentence of imprisonment beyond two years. All other offences carry sentences of less than two years.

4. However, since the petitioner has been in jail since 26.11.2017 and the material part of the investigation is completed, the criminal petition is allowed. Accordingly, the petitioner/A3 is directed to be enlarged on bail, on his executing a personal bond for a sum of Rs.30,000/- with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Bellampally, Adilabad District.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.”

Sd/- K. SHYLESI,
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Judicial First Class Magistrate, Bellampally, Adilabad District.
- 2.Station House Officer, Bellampalli II (T) Police Station, Ramagundam District.
- 3.The Superintendent, Asifabad Jail, Adilabad District.
- 4.Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT)
- 5.One CC to Sri Muhammed Adam, Advocate(OPUC)
- 6.One spare copy.

TKK

HIGH COURT

TR.J

DT.27-12-2017.

BAIL ORDER



CRL.P.No. 12538 of 2017

**RELEASE THE PETITIONER
ON BAIL**

**DRAFTED BY TKK
DT.30-12-2017.**

HIGH COURT

TR.J

DT.27-12-2017.



BAIL ORDER

CRL.P.No. 12538 of 2017

**RELEASE THE PETITIONER
ON BAIL.**