

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

TUESDAY, THE TWENTY SIXTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:
THE HON'BLE SMT JUSTICE T. RAJANI

CRL.P .No. 12546 of 2017

Between:

Smt. Md. Zahirabi,

Aged about 39 years, R/o. D.No. 9/111,

Rayapu Street, Kapadipalem, Nellore, Nellore District.

..... Petitioner/
Accused No.5

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of
Judicature at Hyderabad, High Court Buildings, Hyderabad.

.....Respondent

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to grant Anticipatory bail to the Petitioner, in the event of her arrest in FIR No.139 of 2015 on the file of III Town P.S., Nellore District, Nellore.

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Smt. Y.L. Shiva Kalpana Reddy, Advocate for the petitioner/A-5 and of the learned Public Prosecutor (AP) for the Respondent-State, the Court made the following

ORDER:

“This Criminal Petition is filed by the petitioner/A-5 under section 438 of Cr.P.C., seeking to enlarge her on bail in anticipation of her arrest in Crime No. 139 of 2015 of III-Town Police Station, Nellore district, registered for the offences punishable under section 20 [b] [1] of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioner/A-5 and the learned Public Prosecutor for the respondent/State.

3. The counsel for the petitioner submits that only on the basis of the confession of A-3, who is the husband of the petitioner, this petitioner was arrayed as A-5 in the above crime. The confession of A-3 shows that the petitioner was assisting in doing ganja business. The petitioner’s counsel relies on a decision in CHEPURI NAGESWARA RAO AND ANR. V/s. STATION HOUSE OFFICER, ROLUGUNTA POLICE STATION, VISAKHAPATNAM DISTRICT ¹, wherein this Court by considering that there was no direct recovery of contraband from the petitioner, granted anticipatory bail. Even in this case, the petitioner being the wife of A-3 can be assumed as assisting A-1 on his dictates, he being her husband. Hence, no mensrea can be attributed to her.

¹) 2014 [2] ALT [CrI.] 256 [A.P.]

4. Considering the nature and gravity of the offence, the petitioner is entitled for bail and this Criminal Petition is allowed.

5. Accordingly, the petitioner/A-5 shall be released on bail in anticipation of her arrest in Crime No.139 of 2015 of III-Town Police Station, Nellore district, on her executing a personal bond of Rs.20,000=00 (Rs. Twenty Thousand only) with two sureties for the like sum each to the satisfaction of Station House Officer, III-Town Police Station, Nellore district.

6. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.”

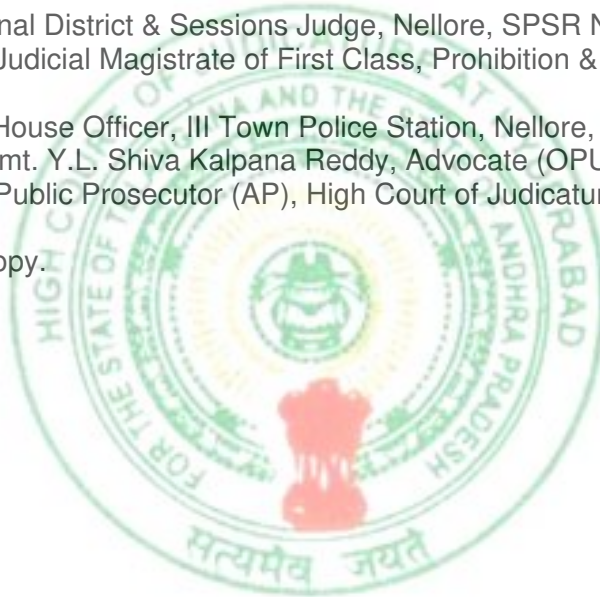
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The I Additional District & Sessions Judge, Nellore, SPSR Nellore District.
- 2 The Special Judicial Magistrate of First Class, Prohibition & Excise Offences, Nellore.
- 3 The Station House Officer, III Town Police Station, Nellore, Nellore District.
- 4 One CC to Smt. Y.L. Shiva Kalpana Reddy, Advocate (OPUC)
- 5 Two CCs to Public Prosecutor (AP), High Court of Judicature at Hyderabad. (OUT)
- 6 One spare copy.



HIGH COURT

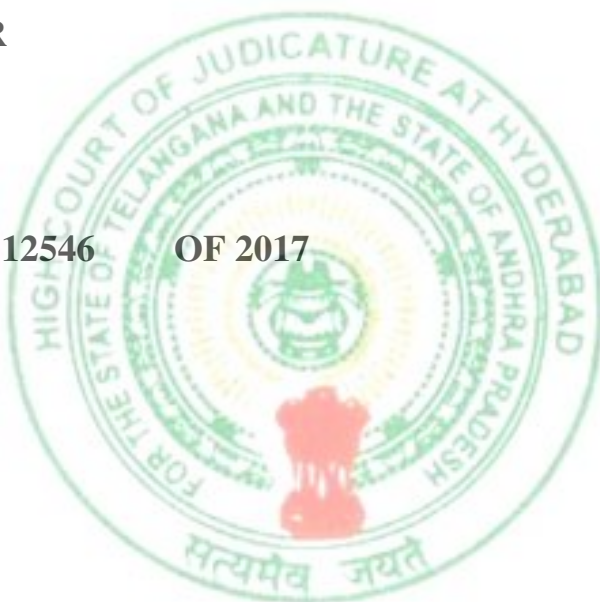
TR,J

DATE: 26-12-2017

BAIL ORDER

CRL.P. NO. 12546 OF 2017

DIRECTION



HIGH COURT

Nnr

Date of Drafting: 27-12-2017

TR,J

DATE: 26-12-2017

BAIL ORDER



CRL.P. NO. 12546 OF 2017

DIRECTION