

IN THE HIGH COURT FOR THE STATE OF TELANGANA
TUESDAY, THE SIXTEENTH DAY OF JUNE TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 2420 OF 2020

Between:

Daravath Vamshi Naik, S/o Lingaiah,

Petitioner/A-2

AND

The Station House Officer, P.S. Ghatkesar, Rep. by Public Prosecutor, High Court of
Telangana, At Hyderabad.

Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner /Accused No. A2 on bail to the satisfaction of the Honorable IV Addl. Metropolitan Magistrate Cum IV Junior Civil Judge at L.B. Nagar, in Crime No. 26 of 2020

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof upon hearing the arguments of SRI JACOB MUDI Advocate for the Petitioner and the Additional PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A-2 seeking to grant bail to him in connection with Crime No.26 of 2020 of Ghatkesar Police Station, Rachakonda, registered for the offences punishable under Section 20 (b) (ii) of the N.D.P.S.Act.

Heard the learned Counsel appearing for the petitioner, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the above crime. He also submitted that the petitioner never possessed the alleged contraband. He further submits that the petitioner is in judicial custody since 17.01.2020 and that entire investigation is completed, except filing of the charge sheet in the crime. He further submits that the petitioner is ready to abide by any condition that may be imposed by this Court in the event of his enlargement on bail.

Learned Additional Public Prosecutor opposed the bail application contending that the petitioner is the habitual offender and he is involved in two similar cases i.e. Crime No.22 of 2017 and Crime No.215 of 2019 from different

police stations but however he conceded to the fact that the petitioner was enlarged on bail in both the above cases and the trial is pending in both the cases. He further submits that if the petitioner is released on bail, he would commit similar type of offences and hence he is not entitled for bail. Further, the learned Additional Public Prosecutor fairly conceded to the fact that total 51 kgs of ganja was recovered from the joint possession of A-2 to A-4 and subsequently A-1 was arrested and in this case as many as five accused have been involved and all of them are in judicial custody.

Thus, looking into the nature of allegations levelled against the petitioner and the fact that even if total 51 kgs., of ganja is apportioned amongst all the five accused, which is less than the commercial quantity and the petitioner/A-2 is in judicial custody since 17.01.2020, without adverting to the merits of the case, I am inclined to grant bail to the petitioner/A-2. However, since the petitioner/A-2 has been involved in similar type of offences, I deem it fit to impose some stringent conditions.

The Criminal Petition is allowed and the petitioner/A-2 is directed to be released on bail, subject to the following terms and conditions:

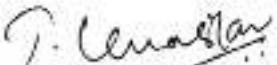
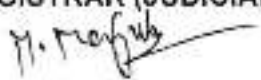
- (i) The petitioner/A-2 shall be released on bail on his executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) with two sureties to the like amount each to the satisfaction of the IV-Additional Metropolitan Magistrate-cum-IV Junior Civil Judge, L.B.Nagar,
- (ii) The petitioner/A-2 shall personally appear before the Station House Officer, Ghatkesar Police Station on every Saturday between 10.00 A.M., and 5.00 P.M., till filing of the final report.
- (iii) The petitioner/A-2 shall not interfere with the investigation, intimidate or induce the material witnesses and shall cooperate with the investigating agency.
- (iv) The petitioner/A-2 shall not indulge in similar type of offences till conclusion of trial in the present case as well as in other two

cases, which have been registered against him and if it is found that the petitioner is involved in similar type of offences in future, the liberty granted to him shall automatically stands cancelled and he shall be taken into custody forthwith.

The petitioner/A-2 shall personally appear before the Court concerned on each date of hearing till conclusion of the trial.

//TRUE COPY//

SD/- JUSTICE G SRI DEVI


REGISTRAR (JUDICIAL II)



SECTION OFFICER

To,

1. The IV Additional Metropolitan Magistrate cum IV Junior Civil Judge at L.B.Nagar
2. The Superintendent Central Prison, cherlapally, Ranga Reddy District
3. The Station House Officer, P.S. Ghatkesar,
4. One CC to SRI. JACOB MUDI Advocate [OPUC]
5. Two CC to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad. [OUT]
6. One spare Copy

HIGH COURT

GSDJ

DATED:16/06/2020

ORDER



CRLP.No.2420 of 2020

BAIL