

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10000 of 2022

ORDER:

Heard Sri D.Y.L.N.Charyulu, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.5 in Crime No.673 of 2022 of S.R.Nagar Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioner states that the petitioner is in judicial custody since more than two months. By bringing to the notice of this Court, the order rendered in Criminal Petition No.8529 of 2022, dated 28.9.2022, learned counsel for the petitioner states that the petitioner stands on the same footing as that of the petitioner therein-accused No.6 and therefore, he may be enlarged on bail.

4. In the order rendered in Criminal Petition No.8529 of 2022, this Court has taken a view that non-compliance of Section 50 of the Narcotic Drugs And Psychotropic Substances Act, 1985, is a ground for grant of bail.

5. Learned Additional Public Prosecutor did not state that the petitioner stands on a different footing.

6. As per the material available on record, the petitioner and accused No.6 were arrested on the same day and time. Therefore, the analogy applied in the Criminal Petition referred supra has to be applied in the present case also. Hence, this Court considers it desirable to honour the request of the petitioner for grant of bail, however conditionally.

7. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused No.5 shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

- (ii) In case, the petitioner/accused No.5 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.5 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.5 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.5 should not cause the evidence of the offence disappear.
- (vi) The petitioner/accused No.5 should not tamper with the evidence in any manner.
- (vii) The petitioner/accused No.5 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) The petitioner/accused No.5 should ensure his presence whenever required by the Court or Police.
- (ix) The petitioner/accused No.5 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.5 shall report before the Station House Officer, S.R.Nagar Police Station, Hyderabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.5 shall file an affidavit before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

8. As a sequel, miscellaneous petitions pending, if any, shall stand closed

Dr. JUSTICE CHILLAKUR SUMALATHA

28.11.2022
DR