

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.9993 of 2022

ORDER:

1. Heard Sri M.Rathan Singh, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent.

2. Seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in Crime No.110 of 2022 of Quthbullapur Police Station, on bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioner states that the petitioner has not committed any offences whatsoever and indeed, even as per the version of the prosecution, the petitioner was found to be in possession of 24 grams of Hashish Oil which is less than small quantity. Learned counsel also states that the petitioner is in judicial custody since 22.10.2022 and as the entire investigation is completed, he may be enlarged on bail. Learned counsel also states that the concerned Sessions Court has already enlarged Accused No.2 on bail.

4. Learned Additional Public Prosecutor did not contradict the submission of the learned counsel for the petitioner that the contraband seized is less than small quantity. However,

learned Additional Public Prosecutor states that the investigation is still pending.

5. Thus, having considered the submissions made and also the quantity of contraband alleged to have been seized which is less than small quantity, this Court considers desirable to honour the request of the petitioner, however, conditionally.

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

(i) The petitioner/Accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for 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) The petitioner/Accused No.1 shall report before the Station House Officer, Quthbullapur Police Station on every Monday between 10.30 AM and 12.00 PM till filing of final report.

- (iii) The petitioner/Accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.1 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.1 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) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

(xi) The petitioner/Accused No.1 shall not leave India without previous permission of the Court concerned.

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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 29.11.2022

Note:Issue CC by today

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