

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10160 of 2022

ORDER:

1. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.2 & 3 in Crime No.202 of 2022 of Huzurnagar Police Station, Suryapet District, on bail.

2. Heard Smt.G.Sangeetha, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent.

3. Learned counsel for the petitioners states that the petitioners have not committed any offences whatsoever. Learned counsel also states that on the request of Accused No.1, who is one of their relatives, they accompanied him and they were not aware that the other accused were carrying ganja in the vehicle. Learned counsel also states that there are no previous criminal antecedents or criminal history so far as the petitioners are concerned. Learned counsel also submits that both the petitioners are women

and further, the 2nd petitioner is having a tender aged kid and the said fact may be taken into consideration.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that when the vehicle in which the petitioners were proceeding was checked, police found 200 Kgs of ganja and therefore, they were apprehended.

5. The case facts as could be perceived through the material available on record are that, the 1st petitioner is a Home-maker and the 2nd petitioner is a Tailor. Accused No.4 was getting wrongful gain by doing business in sale of ganja. There was an understanding between Accused Nos.1 & 4 regarding purchase and sale of ganja. Accused No.4 asked Accused No.1 to bring two women for travelling in the vehicle to avoid police checking. Therefore, Accused No.1 approached his relatives i.e. Accused Nos.2 & 3 and asked them to accompany him in the vehicle and offered to pay Rs.5,000/- each. Both the petitioners accepted the offer due to financial problems and accompanied Accused

No.1. On the way, the vehicle was stopped. Accused No.4 dropped Accused No.1 and the petitioners herein at a Tiffin Centre in Rajahmundry, went somewhere with the vehicle and brought ganja. Thereafter, Accused No.1 and petitioners boarded the vehicle. While they were travelling and reached Telangana Andhra Pradesh boarder check-post, they were stopped. Accused No.4 fled away leaving the vehicle. Accused No.1 and the petitioners were apprehended by police.

6. The aforementioned factual scenario strengthens the submission of the learned counsel for the petitioners to some extent. Furthermore, learned Additional Public Prosecutor did not state that the petitioners herein have got any previous criminal history. It is reported that the petitioners are in judicial custody since 17.07.2022.

7. Having considered the grounds urged and also taking into consideration the nature of the case where the culpability of the petitioners is not *prima facie* made out,

this Court is of the view that their request can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.2 & 3 shall be enlarged on bail on their executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) each 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 petitioners/Accused Nos.2 & 3 should not involve in any unlawful activity.
- (iii) The petitioners/Accused Nos.2 & 3 should afford all assistance for the proper investigation of the case.

- (iv) The petitioners/Accused Nos.2 & 3 should not cause the evidence of the offence disappear.
- (v) The petitioners/Accused Nos.2 & 3 should not tamper with the evidence in any manner.
- (vi) The petitioners/Accused Nos.2 & 3 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.
- (vii) In case the petitioners/Accused Nos.2 & 3 holds a passport, they shall surrender the same if the same is not seized till now.
- (viii) The petitioners/Accused Nos.2 & 3 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/Accused Nos.2 & 3 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

- (x) The petitioners/Accused Nos.2 & 3 shall not leave India without previous permission of the court concerned.

In case, there is any change in the aforementioned details, the petitioners shall intimate the Court concerned by giving a fresh affidavit duly mentioning the change. They 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: 30.11.2022

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