

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10273 of 2022

ORDER:

Heard the submission of Smt Annapurna Sreeram, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent.

2. The present Criminal Petition is filed under Section 439 Cr.P.C seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.1 to 4 in Crime No.219 of 2022 of Bibinagar Police Station, Hyderabad, on bail.

3. Learned counsel for the petitioners states that the petitioners have not committed any offences whatsoever and even as per the version of the prosecution, the ganja seized from the possession of the petitioners is only 1.9 kgs which does not fall within the ambit of commercial quantity and therefore, they may be enlarged on bail. Learned counsel also states that the petitioner are in judicial custody since 117 days i.e., from 01.8.2022.

4. Learned Additional Public Prosecutor contends that six material witnesses were examined till now.

5. Thus, by the submission of the learned Additional Public Prosecutor, it is clear that material part of investigation is completed. No prior criminal history or antecedents is brought on record against the petitioners.

6. Therefore, considering the nature of allegations levelled against the petitioners, the quantity of ganja seized and the period from which the petitioners are in judicial custody and also taking into consideration the fact that material part of investigation is completed, this Court considers it desirable to honour the request of the petitioners, however conditionally.

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

- (i) The petitioners/accused Nos.1 to 4 shall be enlarged on bail on each of them executing a personal bond for Rs.30,000/- (Rupees Thirty 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 petitioners/accused Nos.1 to 4 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.1 to 4 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.1 to 4 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.1 to 4 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 to 4 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 to 4 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 petitioners/accused Nos.1 to 4 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 to 4 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 to 4 shall report before the Station House Officer, Bibinagar Police Station, Yadadri-Bhongir District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 to 4 shall file 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 petitioners shall intimate the court concerned by giving 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

25.11.2022
dr