

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10322 OF 2022

ORDER:

Heard Sri P.Sriharinath, learned counsel for the petitioner, as well as learned Additional Public Prosecutor, who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioner, who is arrayed as Accused No.3 in Crime No.45 of 2022 of Dharmasagar Police Station, on bail the present criminal petition is filed.

3. Making his submission, learned counsel for the petitioner states that the petitioner is in judicial custody since 106 days. Learned counsel also submits that the whole case of the prosecution is false and cannot be believed to be true as no prudent person would carry Ganja to the Court. Learned counsel also submits that it is not known how Police would be ready with mediators in the Court premises expecting the arrival of the petitioner. Learned counsel further submits that Accused Nos.1 and 2 were already

enlarged on bail and therefore, the request of the petitioner may be considered.

4. Per contra, the submission of the learned Additional Public Prosecutor is that totally 577 Kgs. Of Ganja was seized from the possession of the prime accused. Learned Additional Public Prosecutor also states that the petitioner is involved in another crime.

5. On that, learned counsel for the petitioner submits that the petitioner was enlarged on bail in the said case and it is not known on what facts the case was registered at that time and as far as this case is concerned, as the petitioner is in judicial custody since more than 100 days and the contraband was seized is only 1.1 Kg., he may be enlarged on bail.

6. Taking into consideration the submissions thus, made and also on going through the relevant material that is brought on record, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.3 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.3 shall report before the Station House Officer, Dharmasagar Police Station, on every Monday between 10.30 AM and 12.00 PM, till filing of final report.
- (iii) The petitioner/Accused No.3 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.3 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.3 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.3 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.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.

- (viii) In case the petitioner/Accused No.3 holds a passport, he shall surrender the same, if the same is not seized till now.
- (ix) The petitioner/Accused No.3 shall not leave India without previous permission of the Court concerned.
- (x) The petitioner/Accused No.3 should ensure his presence whenever required by the Court or Police.
- (xi) The petitioner/Accused No.3 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 applications pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 12.12.2022

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