

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10545 of 2022

ORDER:

1. Heard Ms.Talat Madiha, learned counsel who is representing Sri T.Chaitanya Kumar, learned counsel on record for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent.

2. This Criminal Petition, under Section 439 Cr.P.C., is filed seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.1 & 2 in Crime No.296 of 2021 of Bhadrachalam Town Police Station, Bhadradi Kothagudem District, on bail.

3. Making her submission, learned counsel for the petitioners contends that the entire investigation is completed and charge sheet is also laid. Learned counsel submits that no contraband was seized from the possession of the petitioners and except the alleged confessional statement, there is nothing on record to show that the contraband, that was present in the Auto, was being transported by the petitioners. Learned counsel further submits that the petitioners are in judicial custody

since 18.10.2022 and therefore, they may be enlarged on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the Auto from which Ganja was seized, stands in the name of the brother-in-law of the 1st petitioner. As submitted by the learned counsel for the petitioners, except the alleged confessional statement, nothing is on record pointing against the petitioners. Though that does not mean that the petitioners are innocent, yet, having regard to the absence of any other convincing material and furthermore, no criminal antecedents are projected against the petitioners and even taking into consideration the ingredients of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioners can be enlarged on bail, however, conditionally.

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

- (i) The petitioners/Accused Nos.1 & 2 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.1 & 2 should not involve in any unlawful activity.
- (iii) The petitioners/Accused Nos.1 & 2 should afford all assistance for the proper investigation of the case.
- (iv) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.
- (v) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.
- (vi) The petitioners/Accused Nos.1 & 2 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.1 & 2 holds a passport, they shall surrender the same if the same is not seized till now.
- (viii) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the court concerned.
- (x) The petitioners/Accused Nos.1 & 2 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 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:14.12.2022
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