

***HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA***

***CRIMINAL PETITION No.10681 of 2022***

**ORDER:**

Heard Sri B.Arjun, learned counsel who argued on behalf of Sri L.Sandeep, learned counsel on record for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. This Criminal Petition is filed under Section 439 Cr.P.C., seeking the Court to enlarge the petitioner, who is arrayed as accused No.1 in S.C.No.18 of 2022 on the file of the Court of Principal District and Sessions Judge, Jangaon, on bail.

3. Learned counsel for the petitioner states that the whole case rests upon the alleged confessional statement of the petitioner and accused No.2 and the said confessional statement is invalid in the eye of law and there is no other material on record to show the involvement of the petitioner and therefore, he is entitled for bail. Learned counsel further states that the petitioner is in judicial custody since 153 days. Learned counsel also submits that taking into consideration that the whole case rests on an invalid

confessional statement, accused No.2 was also enlarged on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that as per the confessional statement of the petitioners, they are involved in transportation and selling of 96 kgs of ganja. However, Learned Additional Public Prosecutor states that when the petitioner and accused No.2 were arrested in another crime, they confessed commission of the present offence.

5. Having regard to the said fact and as there is no other material that is produced except the alleged confessional statement of the petitioner, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

6. Resultantly, this 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 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 petitioner/accused No.1 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(v) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vi) 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.

(vii) The petitioner/accused No.1 should ensure his presence whenever required by the Court or Police.

(viii) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(ix) 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.

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.

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

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**Dr. JUSTICE CHILLAKUR SUMALATHA**

09.12.2022  
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