

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10720 of 2022

ORDER:

Heard Ms. Talat Madiha, learned counsel, who argued on behalf of Sri T.Chaitanya Kumar, learned counsel on record for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking post-arrest bail, the present Criminal Petition is filed by the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.335 of 2022 of Bhadrachalam Town Police Station.

3. Making her submission, learned counsel for the petitioners states that as per the version of the prosecution, 6 kgs of ganja was seized from the possession of the petitioners which is far below the commercial quantity and further, the petitioners are in judicial custody since 02.11.2022 i.e., for more than a month and therefore, they may be enlarged on bail.

4. Learned Additional Public Prosecutor though opposes the relief sought for, contended that the contraband seized is 6 kgs of ganja and seven witnesses were examined till now.

Therefore, it is clear that material part of investigation is completed.

5. Having regard to the facts projected, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

(i) The petitioners/accused Nos.1 and 2 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 and 2 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.1 and 2 should not involve in any unlawful activity.

- (iv) The petitioners/accused Nos.1 and 2 should afford all assistance for proper investigation of the case.
- (v) The petitioners/accused Nos.1 and 2 should not cause the evidence of the offence disappear.
- (vi) The petitioners/accused Nos.1 and 2 should not tamper with the evidence in any manner.
- (vii) The petitioners/accused Nos.1 and 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.
- (viii) The petitioners/accused Nos.1 and 2 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/accused Nos.1 and 2 shall not leave India without previous permission of the court concerned.
- (x) The petitioners/accused Nos.1 and 2 shall report before the Station House Officer, Bhadrachalam Town Police Station., 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 and 2 shall file separate affidavits 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 separate fresh affidavits 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

09.12.2022
dr