

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11522 of 2022

ORDER:

1. Heard Sri B.Ramesh, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking pre-arrest bail, this Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioner, who is arrayed as Accused No.6 in Crime No.72 of 2022 of Nandipet Police Station, Nizamabad District.

3. Making his submission, learned counsel for the petitioner contends that only basing on the confessional statement of Accused No.1, the petitioner is implicated in this case and indeed, the petitioner is innocent. Learned counsel submits that nothing was seized from the possession of the petitioner and indeed, though the house of the petitioner was searched by the Investigating Agency, no incriminating material was found. Learned counsel submits that as the prosecuting agency could not collect any incriminating material against the petitioner and as

the confessional statement of Accused No.1 is invalid in the eye of law, anticipatory bail may be granted.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioner supplied Ganja to the prime accused. However, learned Additional Public Prosecutor accepted the submission of the learned counsel for the petitioner that nothing was recovered from the possession of the petitioner. Also, as per the submission of the learned Additional Public Prosecutor, ten (10) witnesses were examined till now and material part of investigation is completed.

5. Having considered all these aspects, more particularly that nothing is seized from the possession of the petitioner and further, as nothing is brought on record against the petitioner, including any statement given by any of the witnesses out of the ten examined till now against the petitioner, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

6. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.6 is directed to surrender before the concerned Court within ten (10) days. On such surrender, he 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.6 shall report before the Station House Officer, Nandipet Police Station, Nizamabad District, on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused No.6 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.6 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.6 should not cause the evidence of the offence disappear.

- (vi) The petitioner/Accused No.6 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.6 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.6 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.6 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.6 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.6 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 of 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:29.12.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11522 of 2022

Date:29.12.2022

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CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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