

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.565 of 2023

ORDER:

Heard Sri A.Raghu Ram Aurava, learned counsel for the petitioner, as well as the 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.2 in Crime No.265 of 2021 of Mulugu Police Station, on bail.

3. Making his submission, the learned counsel for the petitioner contends that the petitioner has not committed any offence whatsoever and indeed, even as per the version of the prosecution, only 30 grams of ganja was seized from the possession of the petitioner. Learned counsel submits that the petitioner is in judicial custody since 21.11.2022 and the entire investigation is also completed and therefore, he may be enlarged on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that 900 grams of ganja was

seized from the possession of all the accused including the petitioner herein.

5. Even if it is taken that 900 grams of ganja was seized, the same falls below the commercial quantity. Further, learned Additional Public Prosecutor did not dispute the fact of completion of material part of investigation. That apart, there is no denial of the fact that the petitioner is in judicial custody since two months. Therefore, 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.2 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.2 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.2 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.2 should not cause the evidence of the offence disappear.
- (vi) The petitioner/accused No.2 should not tamper with the evidence in any manner.
- (vii) The petitioner/accused No.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 petitioner/accused No.2 should ensure his presence whenever required by the Court or Police.
- (ix) The petitioner/accused No.2 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.2 shall report before the Station House Officer, Mulugu Police Station, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.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 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

Dr. JUSTICE CHILLAKUR SUMALATHA

27.01.2023
dr