

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1261 of 2023

AND

CRIMINAL PETITION No.1653 of 2023

COMMON ORDER:

1. Heard Sri V.S.R.M.V.Prasad, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.7 & 8 (as per charge sheet) in Crime No.551 of 2022 of Hayathnagar Police Station, on bail, these Criminal Petitions are filed under Section 439 Cr.P.C.
3. Stating that the petitioners are innocent, learned counsel for the petitioners contends that the petitioners, without having knowledge about the nature of business that was being carried out by Accused No.2, on the request of Accused No.2, accepted to cooperate with him and do things as per his directions. Learned counsel also states that Accused No.2 offered a huge sum of Rs.25,000/- per Head for working under him and therefore, the petitioners accepted to work under him as employees as they were not aware that

they would be utilized for doing unlawful things. Learned counsel also submits that the entire investigation is completed and charge sheet is laid. Furthermore, the prime accused were enlarged on bail under Section 167(2) Cr.P.C. as the prosecuting agency failed to file charge sheet within time. Learned counsel by stating thus, seeks to enlarge the petitioners on bail.

4. On the other hand, the learned Additional Public Prosecutor submits that 480 Kgs of Ganja was seized from the possession of the prime accused. Learned Additional Public Prosecutor did not deny the fact that these petitioners were engaged by Accused No.2 to work under him by offering to pay Rs.25,000/-. Even the contents of the charge sheet goes to show the same. As per the submission of the learned counsel for the petitioners, the petitioners are in judicial custody since 22.05.2022.

5. Having considered the nature of the case and the role of the petitioners as per the submissions made and as per the contents of the charge sheet, this Court is of the view that the

request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.7 & 8 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.7 & 8 should not involve in any unlawful activity.
- (iii) The petitioners/Accused Nos.7 & 8 should afford all assistance for the proper investigation of the case.
- (iv) The petitioners/Accused Nos.7 & 8 should not cause the evidence of the offence disappear.

- (v) The petitioners/Accused Nos.7 & 8 should not tamper with the evidence in any manner.
- (vi) The petitioners/Accused Nos.7 & 8 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.7 & 8 hold a passport, they shall surrender the same if the same are not seized till now.
- (viii) The petitioners/Accused Nos.7 & 8 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/Accused Nos.7 & 8 shall not leave India without previous permission of the Court concerned.
- (x) The petitioners/Accused Nos.7 & 8 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 fresh affidavits duly mentioning the change.

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: 27.02.2023

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