

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2420 of 2023

ORDER:

1. Heard Smt.G.Jaya Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking pre-arrest bail, the present 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.147 of 2021 of Siddipet III Town Police Station, Siddipet District.
3. Making her submission, learned counsel for the petitioner submits that the petitioner has not committed any offence whatsoever and except the alleged confessional statement of Accused No.1, there is no incriminating material that is present against the petitioner.
4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner, along with Accused No.1, approached Accused No.2 to sell Opium.

5. However, a perusal of record reveals absence of the petitioner at the place of arrest. Learned Additional Public Prosecutor did not reveal the presence of any other material which is incriminating against the petitioner, except the alleged confessional statement of Accused No.1. Further, as per the submission of the learned Additional Public Prosecutor, 20 grams of Opium was seized. The commercial quantity is 2.5 Kgs as per the notification issued under the provisions of the Narcotic Drugs and Psychotropic Substances Act.

6. Having perceived all these factors and also the fact that the investigation is completed and charge sheet is laid as submitted by the learned Additional Public Prosecutor, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

7. 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 should not involve in any unlawful activity.
- (iii) The petitioner/Accused No.6 should not cause the evidence of the offence disappear.
- (iv) The petitioner/Accused No.6 should not tamper with the evidence in any manner.
- (v) 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.
- (vi) In case the petitioner/Accused No.6 holds a passport, he shall surrender the same.
- (vii) The petitioner/Accused No.6 should ensure his presence whenever required by the Court or Police.

- (viii) The petitioner/Accused No.6 shall not leave India without previous permission of the Court concerned.
- (ix) 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.

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:21.03.2023
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