

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2718 of 2023

ORDER:

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

2. Seeking the Court to enlarge the petitioner, who is arrayed as Accused No.7 in Crime No.430 of 2022 of Meerpet Police Station (S.C.No.219 of 2022 pending on the file of the Court of Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar) on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Making his submission, learned counsel for the petitioner states that the petitioner stands on the same footing as that of Accused No.6 and this Court through orders in Criminal Petition No.1018 of 2023, dated 08.02.2023 granted bail in favour of Accused No.6 and the petitioner stands on the same footing and therefore, he may be enlarged on bail. Learned counsel also submits that the petitioner is in judicial custody since '305'days.

4. Learned Additional Public Prosecutor, on the other hand, contends that the application filed for grant of bail by the petitioner earlier was dismissed by this Court and therefore, the petitioner is not entitled for bail.

5. A perusal of charge sheet goes to show that the petitioner stands on the same footing as that of Accused No.6. As per the version of the prosecution, the petitioner and Accused No.6 were engaged as Drivers for transportation of Ganja. This Court, expressing a doubt about the knowledge on part of Accused No.6 with regard to the contraband he was ordered to transport, granted bail. Therefore, the same analogy is required to be applied. Therefore, this Court considers desirable to honour the request of the petitioner, however, conditionally.

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

- (i) The petitioner/Accused No.7 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five 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.7 should not involve in any unlawful activity.
- (iii) The petitioner/Accused No.7 should not cause the evidence of the offence disappear.
- (iv) The petitioner/Accused No.7 should not tamper with the evidence in any manner.
- (v) The petitioner/Accused No.7 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.7 holds a passport, he shall surrender the same if the same is not seized till now.
- (vii) The petitioner/Accused No.7 should ensure his presence whenever required by the Court or Police.

- (viii) The petitioner/Accused No.7 shall not leave India without previous permission of the Court concerned.
- (ix)The petitioner/Accused No.7 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.

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:23.03.2023

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