

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2719 of 2023

ORDER:

Heard Sri Sumanth Ravvuri, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.4 as per the contents of the charge sheet in respect of the case in Crime No.551 of 2022 of Hayathnagar Police Station, Rachakonda Commissionerate, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Stating that the wife of the petitioner is a patient of H.I.V., her body weight due to ill-health was drastically reduced to 30 kgs and there are two tender aged children to be looked after and therefore, the petitioner seeks to come out of jail, learned counsel for the petitioner contends that the petitioner was engaged as driver by the prime accused and he was unaware of the contents which he was ordered to transport and considering the peculiar circumstances in which the petitioner is placed as of now, he may be granted

bail. Learned counsel also submits that the petitioner is in judicial custody since more than ten months. Learned counsel for the petitioner has brought to the notice of this Court the relevant medical record.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that this court through orders in Crl.P.No.1787 of 2023, dated 03.3.2023, dishonoured the request of the petitioner and therefore, the petitioner is not entitled for bail.

5. As per the contents of the charge sheet, the petitioner was engaged by the prime accused for transportation of huge quantity of ganja and the petitioner was transporting ganja as per the instructions.

6. Though the case is serious in nature and the allegations are grave, having regard to the grounds urged and further, taking into consideration that the petitioner is in judicial custody since more than ten months and that the trial proceedings are not yet commenced, this Court is of the view that the request of the petitioner can be considered.

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

- (i) The petitioner/accused No.4 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.4 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.4 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.4 should not cause the evidence of the offence disappear.
- (v) The petitioner/accused No.4 should not tamper with the evidence in any manner.
- (vi) The petitioner/accused No.4 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) The petitioner/accused No.4 should ensure his presence whenever required by the Court or Police.

(viii) The petitioner/accused No.4 is directed not to leave the jurisdiction of Rachakonda District till completion of trial proceedings. In case, the petitioner intends to leave the said jurisdiction, he is under obligation to obtain necessary permission from the Court concerned. If it is brought to the notice of the trial Court that the petitioner has left the jurisdiction of Rachakonda, the said Court is entitled to cancel the bail granted by this Court and remand the petitioner to judicial custody as per the provisions provided under law.

(ix) The petitioner/accused No.4 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

31.3.2023

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