

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2909 of 2023

ORDER:

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

2. Seeking pre-arrest bail, the present Criminal Petition is filed on behalf of the petitioner, who is arrayed as accused No.2 in Crime No.66 of 2023 of Mangalhat Police Station, Hyderabad, under Section 438 Cr.P.C.

3. Making his submission, learned counsel for the petitioner states that the petitioner is the son of accused No.1 and the contraband was seized from the possession of accused No.1, even as per the version of the prosecution. Learned counsel states that the petitioner is not involved in any acts of either procuring or selling ganja or any kind of contraband and therefore, anticipatory bail may be granted.

4. Learned Additional Public Prosecutor, on the other hand, states that accused No.1 is a rowdy-sheeter and he is involved in many criminal cases. Learned Additional Public Prosecutor further submits that accused No.2 i.e., the

petitioner herein is the son of accused No.1 and accused No.1 while giving confessional statement stated that in the process of procuring and selling ganja, his son i.e., the petitioner used to assist him. Learned Additional Public Prosecutor did not state that any other incriminating material was collected by the investigating agency against the petitioner apart from the alleged confessional statement of accused No.1. Further, no criminal antecedents insofar as the petitioner are projected. Thus, it is clear that except the alleged confessional statement of the co-accused, there is no other incriminating material that is standing against the petitioner.

5. Having considered these facts, 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 is directed to surrender before the Court concerned 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 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.

(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, Mangalhat Police Station, Hyderabad, on every Sunday and Thursday 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

12.4.2023
DR