

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3039 of 2023

ORDER:

Heard Sri L.K.Sharma, 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 under Section 438 Cr.P.C. on behalf of the petitioner, who is arrayed as accused No.4 in Crime No.276 of 2022 of Mangalhat Police Station, Hyderabad.

3. Stating that the petitioner is innocent and she has not committed any offences whatsoever, learned counsel for the petitioner contends that except the alleged confessional statement of accused No.1, there is no other incriminating material on record to show that the petitioner has committed offence punishable under Section 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Learned counsel further submits that even from the possession of accused No.1, as per the version of the prosecution, 1.2 kgs of ganja was seized, which is far below the commercial quantity. Learned counsel submits that the

petitioner being woman would be subjected to harassment, in case she is arrested and therefore, anticipatory bail may be granted.

4. Learned Additional Public Prosecutor, on the other hand, states that accused Nos.1 and 2 are the prime accused. Learned Additional Public Prosecutor further states that the petitioner is the mother of accused No.1.

5. As per the version of the prosecution, accused No.3 and the petitioner having purchased ganja, handed over the same to accused No.1 for sale.

6. As rightly submitted by learned counsel for the petitioner, except the alleged confessional statement of accused No.1, there is no other incriminating material that is projected by the investigating agency against the petitioner.

7. Even the learned Additional Public Prosecutor failed to state the presence of any other incriminating material against the petitioner.

8. Having considered these facts, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.4 is directed to surrender before the Court concerned within ten (10) days. On such surrender, she shall be enlarged on bail on her 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, she is directed to surrender the same.
- (iii) The petitioner/accused No.4 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.4 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.4 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.4 should not tamper with the evidence in any manner.

(vii) 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.

(viii) The petitioner/accused No.4 should ensure her presence whenever required by the Court or Police.

(ix) The petitioner/accused No.4 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.4 shall report before the Station House Officer, Mangalhat Police Station, Hyderabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) 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. She 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

31.3.2023
DR