

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3375 of 2023

ORDER:

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

2. Seeking post-arrest bail, the present Criminal Petition is filed under Section 439 Cr.P.C., on behalf of the petitioner who is arrayed as accused No.4 in Crime No.1128 of 2022 of Neredmet Police Station.

3. Making his submission, learned counsel for the petitioner states that even as per the version of the prosecution, the petitioner is only a customer. Learned counsel states that the other accused were enlarged on bail, but still the petitioner is in judicial custody. Learned counsel submits that the petitioner was arrested on 31.12.2022 and since then, he is in judicial custody and as the entire investigation is completed, he may be enlarged on bail.

4. Learned Additional Public Prosecutor states that as per the contents of the charge sheet filed, the petitioner is a customer. Learned Additional Public Prosecutor further states that the drug seized is Methamphetamine (MDMA) and

the quantity involved is 36 grams. Learned Additional Public Prosecutor further states that the commercial quantity is 50 grams. Learned Additional Public Prosecutor also contends that when the petitioner was purchasing a portion of the said drug from accused No.1 for his consumption being an addict, he was caught hold by Police.

5. Having considered the submissions thus made and as the applicability of Section 37 the Narcotic Drugs and Psychotropic Substances Act, 1985, is not shown and further, as the entire investigation is also completed, 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.4 shall be enlarged on bail on his executing a personal bond for Rs.1,00,000/- (Rupees One lakh 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 shall not leave India without previous permission of the court concerned.

(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. 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