

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3571 of 2023

ORDER:

1. Heard Sri A.Jagan, 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.3 in Crime No.1128 of 2022 of Neredmet Police Station.

3. Making his submission, learned counsel for the petitioner contends that the other accused were enlarged on bail and the petitioner is in judicial custody since 31.12.2022 and as the entire investigation is also completed, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that while 36 grams of Methamphetamine (MDMA) was being exchanged from one of the accused to another, Police seized the said Drug and arrested the petitioner. Learned Additional Public Prosecutor submits that the commercial quantity is

50 grams. Learned Additional Public Prosecutor also states that on completion of investigation, charge sheet is laid.

5. Having considered the submission thus made and as the case does not fall within the ambit of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.3 shall be enlarged on bail on his executing a personal bond for Rs.1,00,000/- (Rupees One Lakh 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.3 should not involve in any unlawful activity.

- (iii) The petitioner/Accused No.3 should not cause the evidence of the offence disappear.
- (iv) The petitioner/Accused No.3 should not tamper with the evidence in any manner.
- (v) The petitioner/Accused No.3 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.3 holds a passport, he shall surrender the same if the same is not seized till now.
- (vii) The petitioner/Accused No.3 should ensure his presence whenever required by the Court or Police.
- (viii) The petitioner/Accused No.3 shall not leave India without previous permission of the Court concerned.
- (ix) The petitioner/Accused No.3 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:18.04.2023

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