

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3789 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.3 in COR.No.12 of 2023 of Excise Station, Golconda, Hyderabad.

3. Contending that the petitioner is innocent, learned counsel for the petitioner states that nothing was seized from the possession of the petitioner by the Excise officials and only basing on the confessional statement of accused No.1, the petitioner is arrayed as accused and therefore, anticipatory bail may be granted.

4. The submission of the learned Additional Public Prosecutor is that 1.1 kgs of ganja was seized from the possession of accused Nos.1 and 2. Learned Additional Public Prosecutor confirms the submission of the learned counsel for the petitioner that nothing was seized from the possession

of the petitioner. The submission of the learned Additional Public Prosecutor is also that the material part of investigation is completed.

5. Having considered the submissions thus made and as no contraband was seized from the possession of the petitioner and as the material part of 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.3 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.40,000/- (Rupees Forty 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.3 holds a passport, she is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused should No.3 not involve in any unlawful activity.

(iv) The petitioner/accused No.3 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.3 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.3 should not tamper with the evidence in any manner.

(vii) 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.

(viii) The petitioner/accused No.3 should ensure her presence whenever required by the Court or Police.

(ix) The petitioner/accused No.3 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.3 shall report before the Station House Officer, Excise Station,

Golconda, 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.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. 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

25.4.2023
dr