

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3805 2023

ORDER:

Heard Sri V.S.R.M.V.Prasad Sanaka, 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.5 in Crime No.130 of 2023 of Kukatpally Police Station, Cyberabad.

3. The matrix of the case, as could be perceived through the contents of Part-I Case Diary, is that accused No.1 is addicted to MDMA drug. He used to procure the said drug from unknown persons. Accused No.2 was also having the habit of consuming MDMA drug. Both of them along with accused No.3 and the petitioner decided to have fun at Hyderabad by taking the said drug. On that, they along with accused No.4 reached Hyderabad and procured the said drug. While they were present in front of Baby Pond near IDL lake, Kukatpally, they were apprehended by police and

1 gm of MDMA drug was seized from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner was arrested on 04.02.2023 and he is in judicial custody since more than 75 days. Learned counsel also states that the contraband alleged to have been seized from the possession of the petitioner falls below the commercial quantity and as the entire investigation is also completed, he may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that 13 witnesses were examined till now and the investigation is still pending. Learned Additional Public Prosecutor failed to deny the fact that the contraband seized from the possession of the petitioner is less than commercial quantity. Further, by the submission of the learned Additional Public Prosecutor, it is clear that the material part of investigation is completed.

6. Having regard to these facts, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.5 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.5 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.5 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.5 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.5 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.5 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.5 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.5 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.5 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.5 shall report before the Station House Officer, Kukatpally Police Station, Cyberabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.5 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

25.4.2023

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