

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4066 of 2023

ORDER:

1. Heard Sri I.V.Radha Krishna Murthy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner, who is arrayed as Accused No.3 in Crime No.3 of 2023 of Mahankali Police Station, on bail.

3. Stating that the petitioner is innocent and the petitioner is in judicial custody since past four months, learned counsel for the petitioner submits that even as per the version of the prosecution, the contraband seized falls below the commercial quantity and as the entire investigation is completed, the petitioner may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that 12 grams of MDMA Drug was seized from the possession of the petitioner, whereas the commercial quantity, as per the provisions of the Narcotic Drugs and Psychotropic Substances Act, is 50 grams. Learned

Additional Public Prosecutor also states that nine (9) witnesses were examined till now.

5. Gone through the contents of the material available on record. On hearing both the learned counsel for the petitioner as well as the learned Additional Public Prosecutor, taking into consideration the nature of the case, more particularly that the contraband seized falls below the commercial quantity and also the fact that the petitioner is in judicial custody since past four months, 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 shall report before the Station House Officer, Mahankali Police Station, on every Sunday and Thursday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioner/Accused No.3 should 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) In case the petitioner/Accused No.3 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.3 should ensure his presence whenever required by the Court or Police.

(x) The petitioner/Accused No.3 shall not leave India without previous permission of the Court concerned.

(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 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

Date:28.04.2023

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