

THE HON'BLE SRI JUSTICE M.LAXMAN
CRIMINAL PETITION No.5988 of 2023

ORDER:

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking to grant anticipatory bail to the petitioner, who is arrayed as accused No.2 in Crime No.431 of 2023 of Mailardevpally Police Station, Cyberabad District. The offences alleged against the petitioners are under Sections 420, 328, 336 read with Section 34 of the Indian Penal Code.

2. The case of the prosecution is that on 18.06.2023, on the credible information, the complainant with the help of police, Mailardevpally Police Station, conducted a search near Durganagar Chourastha and recovered Mephentermine Sulphate Injections Vials (Green), Sterile Water Amples, Syringes 1ml/40 units-100 units from the possession of accused No.1 and such possession was without licence and prescription. The confession of accused No.1 shows that present petitioner/accused No.2 is also involved in carrying of such things but he was not present when the search was conducted.

3. Learned counsel for the petitioner/accused No.2 stated that the petitioner is no way connected with the above said offence and

he is innocent of the offences alleged against him and he has been falsely implicated in the offence. Further, he submitted that accused No.1 has already been released on bail.

4. Learned Additional Public Prosecutor appearing for the respondent – State opposed to grant anticipatory bail to the petitioner/accused No.2.

5. Heard the learned counsel on either side and perused the material placed on record.

6. On a perusal of the record, it demonstrates that when the search was conducted, accused No.1 was found in possession of aforesaid injections without any prescription and licence but the said injections were not prohibited. Further, at the time of search, the petitioner/accused No.2 was not present. Taking into consideration the above facts and circumstances and also considering the fact that accused No.1 has already been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2.

7. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

- (i) The petitioner/accused No.2 is enlarged on bail in the event of their arrest in connection with Crime No. 431 of 2023 of Mailardevpally Police Station, Cyberabad District, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.
- (ii) The petitioner/accused No.2 shall appear before the Station House Officer, Mailardevpally Police Station, Cyberabad District on every Sunday between 10.00 am and 05.00 pm, for a period of two months.
- (iii) The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

11.07.2023
Dua

JUSTICE M.LAXMAN

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.5988 of 2023

11.07.2023

Dua