

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2317 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.5 under Section 438 Cr.P.C. for grant of anticipatory bail in Crime No.147 of 2021 on the file of III Town Police Station, Siddipet, registered for the offences under Sections 170, 342, 365, 384, 419 read with 120(b) of IPC and Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short NDPS Act’).

2. The case of the prosecution in brief was that accused Nos.5 and 7 were in the habit of selling prohibited opium (Hafeem) by bringing it illegally from Rajasthan. Accused No.1, who also wanted to earn easy money by way of selling illegal hafeem contacted accused Nos.5 to 8, whereas accused No.2 colluded with accused Nos.3 and 4 to demand amount from accused No.1 by acting as kidnapping him and after kidnapping the accused No.1, they committed theft of Rs.11,000/- from accused No.1 and beat him with a stick. They then confined him in a mango garden to fulfill their demand of Rs.3,00,000/-, to release him.

3. Heard the learned counsel for the petitioner-Accused No.5 and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner came to Karimnagar from Rajasthan for the purpose of livelihood and was selling ladies bags. The accused No.1, being the relative of the petitioner came from Rajasthan and was residing along with the petitioner and others. The petitioner had nothing to do with the alleged offences. He was not found at the scene of offence. Basing on the confession of accused No.1, he was implicated in this case. The confession before the police was not admissible in the eye of law. The investigation was completed and charge-sheet was filed. Accused Nos.6 and 8 were granted anticipatory bail and prayed to enlarge the petitioner also on bail in the event of his arrest in connection with Crime No.147 of 2021.

5. Learned Additional Public Prosecutor stated that the entire investigation was completed and charge-sheet was also filed.

6. Considering the submissions of both the learned counsel, as the entire investigation was completed and charge-sheet was also filed and the custody of the petitioner is not required for

custodial interrogation, it is considered fit to grant anticipatory bail to the petitioner by giving a direction to him to surrender before the concerned Station House Officer.

7. Accordingly, the Criminal Petition is allowed and the petitioner – accused No.5 shall be released on anticipatory bail subject to the following conditions:

1) The petitioner-Accused No.5 is directed to surrender before the Station House Officer, III Town Police Station, Siddipet District, within a period of (02) weeks from the date of this order. On such surrender, the petitioner-accused No.5 shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

2) The petitioner-Accused No.5 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:04.03.2024
dgr

Dr. G.RADHA RANI, J