

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.16550 of 2014

ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the order dated 11.11.2014 in CrI.M.P. No.566 of 2014 in S.C. No.89 of 2013 on the file of the court of Special Sessions Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-Additional District Judge, Visakhapatnam.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner filed CrI.M.P. No.566 of 2014 under Sections 457 and 451 Cr.P.C., to release motor vehicle bearing No.AP 31 AQ 1486. The trial court, after hearing both sides, allowed the petition with following conditions.

- 1) That the petitioner shall execute a personal bond for Rs.10,00,000/- (Rupees Ten Lakhs only) and undertaking to produce the said vehicle as and when required by the court;
- 2) That the petitioner shall furnish bank guarantee for the said amount of Rs.10,00,000/- (Rupees Ten Lakhs only) or two sureties each for a like sum;
- 3) That the petitioner shall produce coloured photographs showing all the features with number plate of the vehicle which shall be obtained in the presence of the Inspector of Police concerned and duly identified by him about their correctness;
- 4) That the petitioner shall not alter the physical features and colour of the vehicle;
- 5) That the petitioner shall not sell away or transfer the vehicle to anybody until further orders of this court.

4. The learned counsel for the petitioner submitted that the petitioner is facing much difficulty to furnish bank guarantee to the tune

of Rs.10,00,000/-. He further submitted that the value of the vehicle in question is less than Rs.10,00,000/-. The learned Public Prosecutor, on instructions, submitted that the value of the vehicle is around Rs.6,00,000/-. It may not be possible for the petitioner to furnish bank guarantee for such amount. The learned counsel for the petitioner and learned Public Prosecutor submitted that still the vehicle is in the custody of the Station House Officer, Yelamanchili Rural Police Station, Visakhapatnam.

5. Having regard to the facts and circumstances of the case, the condition Nos.1 and 2 are modified to the effect that *“the petitioner shall execute a personal bond for Rs.6,00,000/- (Rupees six lakhs only) with two sureties each for a like sum to the satisfaction of the trial court and shall undertake to produce the said vehicle as and when required by the trial court”*.

6. With the above modification, the criminal petition is allowed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J.

December 30, 2015.

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