

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.P.No.2353 of 2015

ORDER :

This application is filed challenging the order dt.12.03.2015 in Crl.M.P.No.772 of 2015 in Crime No.23 of 2015 of PS Midjil.

2. In the said order, the court below directed release of vehicle of the lorry allegedly belonging to petitioner on condition of petitioner executing a self bond for a sum of Rs.5,00,000/- with a Bank Guarantee for the same amount; and directed the S.H.O., Midjil to release the vehicle to petitioner if it is not required in any other case by retaining the sand. It further directed petitioner not to change the physical features and not to sell the vehicle; and directed petitioner to produce the same before the Court as and when directed.
3. Heard the counsel for petitioner and the learned Public Prosecutor (Telangana).
4. The counsel for petitioner contends that requiring petitioner to furnish a bond for a sum of Rs.5,00,000/- with a bank guarantee for the same amount is harsh and petitioner, being a poor person, is not in a position to meet the said conditions; that the value of lorry is also not that high; that he purchased the vehicle by taking finance and is unable to pay installments to Finance company; and prays that these two conditions be relaxed.
5. The condition imposed by the Court below directing petitioner to furnish a bond for a sum of Rs.5,00,000/- with a Bank Guarantee

for the same amount for the release of lorry in question appears to be harsh. The vehicle is kept idle with the Police. There is every possibility of vehicle becoming unfit for use, apart from depreciating in value.

6. In this view of the matter, the condition imposed by Court below in its order dt.12.03.2015 in CrI.M.P.No.772 of 2015 in Crime No.23 of 2015 of PS Midjil, directing petitioner to execute a self bond for a sum of Rs.5,00,000/- with a bank guarantee for said amount is modified and petitioner is directed to give a personal bond for a sum of Rs.1,00,000/- (one lakh) and a Bank Guarantee for the same amount, apart from complying with all the other conditions imposed by Court below. Accordingly, the Criminal Petition is allowed to the extent indicated above.
7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 07-04-2015

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