

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No. 7066 of 2016

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ORDER:

The present application came to be filed under Section 439(1) Cr.P.C., questioning the docket order dated 18.04.2016 passed by the Additional Judicial Magistrate of First Class at Kalwakurthy, wherein the accused was enlarged on bail on executing a self bond for a sum of Rs.1,00,000/- and also on furnishing cash security to the said amount apart from imposing other conditions.

The facts in issue show that a private complaint was filed for an offence punishable under Section 138 of the Negotiable Instruments Act. The said case was taken on file as C.C. No.385 of 2010. It is stated that as the accused did not appear before the Court for a considerable period of time, the Non-Bailable Warrant came to be issued against and the same was executed on 04.04.2016. Pursuant thereto, the accused filed CrI.M.P.No.1364 of 2016 seeking bail. On 18.04.2016 the said application was allowed enlarging the petitioner on bail on his executing a bond for Rs.1,00,000/- and on furnishing cash surety to the said amount with a condition that the petitioner shall attend before the said court on each and every date of hearing without fail till the disposal of the case, failing which the cash surety amount shall be confiscated to the State. Challenging the said order of directing the petitioner to deposit cash security, the present application is filed.

The learned counsel for the petitioner submits that though the order of release was passed on 18.04.2016, till date the petitioner could not get himself released. He further submits that directing the petitioner to deposit cash virtually amounts to denying the bail as he is not in a position to raise somuch of money. But at the same time, it is

to be noted that the petitioner did not appear before the Court on many occasions and as he was not cooperating with the progress of the case the impugned order came to be passed.

Having regard to the circumstances of the case, the order under challenge is modified enlarging the petitioner on bail on his executing a personal bond for a sum of Rs.1,00,000/- with two sureties for a like sum each to the satisfaction of the Additional Judicial Magistrate of First Class at Kalwakurthy. Out of the two sureties, one surety must be a local surety. The trial court while accepting the bail bonds shall verify the permanent residence proof and the antecedents of the surety.

JUSTICE C.PRAVEEN KUMAR

Date: 29.04.2016
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