

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION No.1710 OF 2016
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ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor.

2. The present Criminal Petition came to be filed under Section 482 of the Code of Criminal Procedure, 1973, by the petitioners/A.1 and A.2 seeking relaxation of the condition imposed in the order dated 15.12.2015 by the Principal Sessions Judge, Kadapa in CrI.M.P.No.1178 of 2015 in Crime No.78 of 2015 of Chinna Chowk Police Station,.

3. The averments in the private complaint show that the petitioner/A.1 availed loan of Rs.5,50,000/- from the complainant firm agreeing to repay the same together with financial charges for purchasing tuskar vehicle and also executed various documents, for which A.2 stood as guarantor. A.1 and A.2 agreed to repay the total agreement value of Rs.7,36,850/- in 36 monthly instalments. A.1 paid Rs.5,63,300/- and subsequently, committed default. In spite of sending legal notices, there was no response from them. On 18.03.2015 A.1 and A.2 abused the Branch Manager of the complainant firm in filthy language, sold away the vehicle and misappropriated the hypothecated property with criminal intention, thereby committing criminal breach of trust and mischief.

4. Learned counsel for the petitioners submits that the condition imposed by the learned Principal Sessions Judge, Kadapa while

granting anticipatory bail to the petitioners i.e., to produce the documentary evidence showing deposit of Rs.50,000/- with the complainant bank without prejudice to their rights, is illegal and contrary to law.

5. Learned Public Prosecutor opposes the same.

6. A perusal of the release order shows that the petitioners were directed to surrender before the II Additional Judicial Magistrate of I Class, Kadapa, on their executing a bond for Rs.20,000/-each with two sureties for like sum each and also to produce the documentary evidence showing deposit of Rs.50,000/- with the complainant bank without prejudice to their rights. The condition of showing deposit of Rs.50,000/- with the bond is subject matter of challenge.

7. The learned Principal Sessions Judge ought not to have imposed such onerous condition of deposit of Rs.50,000/- with the complainant bank while granting anticipatory bail to the petitioners. The question as to whether the petitioners are liable to pay the amount alleged in the complaint is a matter to be decided during the trial.

8. Hence, the condition imposed by the learned Principal Sessions Judge, Kadapa, to the extent that at the time of surrender and at the time of furnishing bonds, A.1 and A.2 shall produce documentary evidence showing deposit of Rs.50,000/- (Rupees Fifty Thousand only) is hereby relaxed and further, the time granted to the petitioners to surrender before the II Additional Judicial Magistrate of I Class, Kadapa is extended by two (02) weeks from today. The remaining part of the order of the Principal Sessions Judge remains

unaltered.

Accordingly, the Criminal Petition is allowed.

JUSTICE C. PRAVEEN KUMAR

Date:18.02.2016

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