

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 17264 of 2016

ORDER:

Vide present Criminal Petition, the petitioners/Accused Nos.1 and 2 seek a direction thereby to relax the conditions imposed on them vide order dated 07.12.2016 passed in CrI.M.P.No.2042 of 2016 by the learned Judicial First Class Magistrate, Railway Kodur, YSR Kadapa District.

While enlarging the petitioners/Accused Nos.1 and 2 on bail, the learned Judge directed them to execute personal bonds for Rs.50,000/-each with two sureties each for the like sum, of whom, one surety must be from local place within the jurisdiction of the Court, except the residents of S.Upparpalli and another surety must be close blood relative of petitioners/Accused Nos.1 and 2 and both sureties must be under the age of 60 years. The learned Judge further directed the petitioners/Accused Nos.1 and 2 to produce their ID proofs of the residence along with attested copy of the same by the local police where the petitioners/Accused Nos. 1 and 2 are residing. The petitioners/Accused Nos.1 and 2 were further directed to attend before the SHO, Railway Kodur on every 1st and 3rd Saturday's of a month for a period of four months or till the date of filing the charge sheet, which ever is earlier.

Learned Counsel appearing on behalf of the petitioners/Accused Nos.1 and 2 submits that the petitioners hail from poor family and in view of the same, they are unable to comply the stringent conditions imposed by the Court below while granting bail. He submits that by these conditions they shall remain in jail, and thereby their right to get enlarged on bail is denied.

On the other hand, the learned Additional Public Prosecutor appearing on behalf of the respondent-State while opposing the petition submits that having regard to the serious allegations levelled against the petitioners on account of the offences punishable under Sections 307, 379 IPC etc., the Court below imposed the conditions as stated supra and if the conditions are relaxed, they may fled away from the judicial process.

Having heard the learned Counsel appearing on behalf of the petitioners/Accused Nos.1 and 2 and learned Additional Public Prosecutor for the respondent-State and having perused the material on record, I am of the view that the conditions imposed by the Court below while granting the bail are onerous and arduous. In view of the same, I hereby modify the order dated 07.12.2016 passed by the Court below in CrI.M.P.No.2042 of 2016 to that of directing the learned Judge to enlarge the petitioners/Accused Nos. 1 and 2 on bail on their executing personal bonds for a sum of Rs.10,000/-each with two sureties each for the like sum.

It is needless to state that the bail is subject to the verification of genuineness of the sureties as well as the

identification proof produced by petitioners/Accused Nos. 1 and 2. The petitioners/Accused Nos. 1 and 2 are further directed to attend before the police station concerned as directed by the Court below supra.

With the above modification of the order of the Court below, this Criminal Petition is partly allowed.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

JUSTICE SURESH KUMAR KAIT

DATED 29th December, 2016.
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