

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2201 OF 2016

ORDER:

1. This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking a direction to release his vehicle.
2. It is the case of the prosecution that A1 to A5 have committed the offence punishable under Sections 355 and 307 r/w 34 IPC with the crime vehicle bearing No.AP 21 N 0765. On 6.5.2015 all the accused followed the de facto complainant in the said vehicle upto Dasthagiri Swamy Darga and attacked him. The accused drove the vehicle to dash against the de facto complainant and tried to kill him. Therefore, a case in Crime No.66 of 2015 on the file of Chagalamarri Police Station was registered against the petitioner and others. The vehicle was seized.
3. The petitioner-A1 filed CrI.M.P.No.1401 of 2015 before the Judicial Magistrate of First Class, Allagadda, for return of the vehicle in question for his interim custody. The learned Magistrate dismissed the said application. Aggrieved by the same, the petitioner filed CrI.R.P.No.69 of 2015 before the III Additional Sessions Judge, Kurnool at Nandyal. The said CrI.R.P. was also dismissed. Hence, the petitioner filed this petition.
4. Heard and perused the material available on record.
5. The petitioner is accused No.1 in the above crime. It has been brought to the notice of this Court that the investigation was completed and the charge sheet has already been filed and the case against the petitioners is at PRC stage. The application filed by the petitioner for return of the vehicle in question was dismissed by the Courts below on the ground that if the vehicle is returned, there is possibility of changing the physical features, and the petitioner may not produce the same before the Court.
6. Learned Counsel for the petitioner submitted that the charge

sheet does not disclose anything as to the using of the vehicle for the purpose of causing injury to the de facto complainant and that the petitioner is ready to execute sureties and give an undertaking for production of the vehicle before the trial Court. He further submitted that the petitioner will not change the physical features of the vehicle and he will not alienate the same.

7. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the petitioner, it is directed that the vehicle viz., tractor bearing No.AP 21 N 0765 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of the main case, on condition of the petitioner executing a personal bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with one surety for the like sum to the satisfaction of the Judicial Magistrate of First Class, Allagadda and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court below. Further, it is made clear that this order will not stand in the way of confiscation proceedings, if any.

8. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions filed in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 23.2.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 23.2.2016

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