

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.16848 of 2016

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed to quash the proceedings in CrI.M.P.No.1206 of 2016 on the file of learned Judicial Magistrate of First Class, Rajampet, YSR Kadapa District, whereby the learned Magistrate, while ordering release of lorry bearing Registration No.MH 14 EM 1879 subject to execution of a personal bond for Rs.5.00 lakhs with one local surety, imposed other usual conditions.

The contention of the petitioner is that the conditions imposed by the learned Magistrate are onerous, and requested to relax the condition of production of local surety.

Learned Public Prosecutor appearing for the State of Andhra Pradesh opposed the petition on the ground that it would be difficult to secure the vehicle during trial, if it is released without local surety.

The petitioner is the sole accused for the offence punishable under Section 304-A IPC, and is a resident of Maharashtra State, whereas the case was registered in Rajampet within the local limits of Andhra Pradesh State. The only apprehension is that, if the local surety is not produced, there is every possibility of fleeing from trial after obtaining bail. In such a case, it is difficult for the Court to proceed with the trial. Therefore, the condition imposed by the learned

Magistrate, to furnish local surety is not onerous. Such condition was imposed only to enable the Court to proceed with trial and decide the matter as expeditiously as possible. Therefore, such condition cannot be said to be onerous. However, the bond amount is reduced to Rs.4.00 lakhs as it appears to be excessive. In case the petitioner is not able to furnish local surety, he is at liberty to furnish bank guarantee for Rs.4.00 lakhs and keep the same alive till termination of proceedings before the Court, while maintaining other conditions imposed by the learned Magistrate.

In the result, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand disposed of.

M.SATYANARAYANA MURTHY,J

Date:16.12.2016
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