

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

WEDNESDAY THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16304 OF 2016
CRL.P.SR.NO. 52300 OF 2016

Between:

Yerukonda Sammayya & Ors. Petitioner s/A1 to A3

V/s.

The State of Telangana
Rep. by its Public Prosecutor [AP]
High Court of Judicature for the State
Of Telangana & Andhra Pradesh
Hyderabad.
Through Station House Officer,
V. Madugula Police Station,
Visakhapatnam district ... Respondent

Counsel for the Petitioners: Sri G.Venkat Reddy

Counsel for the Respondents: Public Prosecutor [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CRIMINAL PETITION NO. 16304 OF 2016**
CRL.P.SR.NO. 52300 OF 2016**ORDER :**

This Criminal Miscellaneous Petition is filed by the petitioners/A1 to A3 under Section 482 of Cr.P.C., seeking to relax the conditions imposed by this Court vide orders dated 26/10/2016 passed in Crl.MP.No. 3317 of 2016 by the Metropolitan Sessions Judge-cum-I-Additional Sessions Judge, Visakhapatnam.

2. The petitioners filed bail application in Crl.MP.No. 3317 of 2016 on the file of Metropolitan Sessions Judge-cum-I-Additional District and Sessions Judge, Visakhapatnam for grant of regular bail.

By order dated 26/10/2016, the learned Sessions Judge granted bail to the petitioners subject to furnishing a personal bond of Rs.1,00,000/- [Rs. One lakh only] each and two sureties each, who shall furnish a fixed deposit of Rs.1,00,000/- [Rs. One lakh only] each to the satisfaction of Judicial Magistrate of First Class, V. Madugula.

The petitioners and the sureties shall furnish the attested copies of

their Aadhar card and the bail is subject to verification of the genuineness of the details of the Aadhar card. The petitioners shall not interfere with the investigation and shall not tamper with the evidence and shall not threaten the witnesses. The petitioners shall appear before the Court when summoned and they shall assist in the investigation when required by the investigating agency and they shall surrender the passports, if any, before the concerned Magistrate.

4. Learned counsel for the petitioners/A-1 to A-3 submit that the petitioners are native of Duggondi Mandal, Warangal district of Telangana State and since the earnings is not sufficient to lead their family life and the conditions imposed by the trial court as noted above is too onerous. The petitioners/A-1 to A-3 are below the poverty line, therefore, there is no possibility to furnish Fixed Deposit as noted above. Hence, learned counsel for the petitioners/A-1 to A-3 prayed to modify the order dated 26/10/2016 passed in CrI.MP.No. 3317 of 2016 by the Metropolitan Sessions Judge-cum-I-Additional Sessions Judge, Visakhapatnam.

5. Keeping in view the averments made in the instant petition and submission of learned counsel for the petitioners/A-1 to A-3, the order dated 26/10/2016 passed in Crl.MP.No. 3317 of 2016 by the learned Metropolitan Sessions Judge-cum-I-Additional District and Sessions Judge, Visakhapatnam, I hereby modify the conditions as specified below :

“ In the result, the petition is allowed, directing the petitioners/A-1 to A-3 to be enlarged on bail on executing a personal bond of Rs.25,000/- [Rs. Twenty Five Thousand only] with one local surety by each of the petitioners/A1 to A3 for the like sum to the satisfaction of Judicial Magistrate of First Class, V. Madugula, Visakhapatnam district and the sureties shall furnish their attested copies of Aadhar Card and this modified order is subject to verification of the genuineness of the residence and other details of the petitioners/A-1 to A-3 as well as local sureties. The other conditions imposed by the learned Sessions Judge in the order dated 26/10/2016 in Crl.MP.No. 3317 of 2016 shall remain in force ”.

6. Accordingly, the order dated 26/10/2016 passed in Crl.MP.No. 3317 of 2016 by the learned Sessions Judge, Visakhapatnam, is modified to the extent indicated above.

7. Accordingly, the Criminal Petition is allowed.

JUSTICE SURESH KUMAR KAIT.

16/11/2016
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HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

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CRL.P.SR.NO. 52300 OF 2016



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