

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.3142 of 2017

ORDER :

This criminal petition is filed under Section 439(1)(b) of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') to relax the conditions imposed by the learned Principal District and Sessions Judge, Eluru, in CrI.M.P.No.296 of 2017 in C.C.No.4 of 2017, whereby the learned Sessions Judge, by order, dated 27.03.2017, while recalling the warrant, directed to furnish one local surety out of two of Rs.1,00,000/-.

2. Learned counsel for the petitioner submitted that the petitioner is a retired employee and he unable to produce a local surety since the crime was registered at West Godavari Distirct, whereas he is a native of Prakasham District. He also drawn the attention of this Court to the order passed by this Court, dated 27.03.2017, in CrI.P.No.2442 of 2017, where this Court considered the request to relax the conditions. In the above order, the accused had involved in number of crimes and therefore the accused was directed to report to the Additional Superintendent of Police, C.I.D., Vijayawada, while relaxing the condition of furnishing local surety. But, the facts of the present case are on different footing. In the present case, as the petitioner could not appear before the trial Court at the time of taking cognizance, the learned Sessions Judge issued non-bailable warrant and imposed

conditions while recalling warrant. Therefore, I find no ground to relax the conditions imposed by learned Sessions Judge.

3. Accordingly, the criminal petition is dismissed.

M. SATYANARAYANA MURTHY, J

20th April 2017.

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