

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 64 of 2017

ORDER:

Vide the present petition, the petitioner/Accused No. 1 seeks a direction, thereby relaxing the conditions imposed on him in CrI.M.P.No.4320 of 2016 dated 27.12.2016 on the file of learned Metropolitan Sessions Judge-cum-First Additional District and Sessions Judge, Visakhapatnam.

While enlarging the petitioner/Accused No.1 on bail, the Metropolitan Sessions Judge directed the petitioner to execute personal bond for a sum of Rs.1,00,000/- with two sureties each for the like sum and the sureties shall furnish fixed deposit of Rs.1,00,000/- each to the satisfaction of the Additional Judicial First Class Magistrate, Narsipatnam.

Learned counsel appearing on behalf of the petitioner/Accused No.1 submits that the petitioner is a poor person and he is eking out his livelihood by doing daily wage coolie work and therefore he cannot afford the personal bond for Rs.1,00,000/- and sureties with FDRs as directed by the trial Court. He submits that by these conditions he shall remain in jail, and thereby his right to get enlarged on bail is denied.

Learned Additional Public Prosecutor has opposed the present petition and submits that if the conditions are relaxed, he

may fled away from the judicial process and nothing could be recovered from him.

Keeping in view the averments made in the instant petition and the submissions of learned counsel for the petitioner and the learned Additional Public Prosecutor, I hereby modify the order passed by the Court below in CrI.M.P.No.4320 of 2016, dated 27.12.2016 and direct the Metropolitan Sessions Judge to enlarge the petitioner on bail on his executing personal bond for a sum of Rs.50,000/- with two sureties of like sum each and relax the condition of furnishing the FDRs by the sureties.

It is needless to state that the bail is subject to verification of genuineness of the sureties. The rest of the conditions in the order dated 27.12.2016 shall remain intact.

With the above modification in 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 2nd January, 2017.
Msnr_x