

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1909 of 2017

ORDER:

This criminal petition is filed by the petitioners/ A.1 to A.4 under Section 439(1)(b) of Cr.P.C., to relax the conditions imposed by the learned X Additional District and Sessions Judge, Tirupati, Chittoor District, in Cr.I.M.P.No.243 of 2017 dated 09.02.2017, in Cr.No.29 of 2016 of RSASTF PS, Tirupati, registered for the offences punishable under Section 379 of IPC and Section 20(i)(a) read with 20(1)(c)(ii), (iii), (iv), (x), 36(a) read with Section 32-A of the A.P. Forest Act, 1967 and they are in judicial custody since 29.12.2016.

2. The Sessions Court enlarged the petitioners on bail on furnishing personal bonds of Rs.15,000/- each with two sureties each for like sum preferably one surety from local jurisdiction of Station House Officer, RSASTF PS, Tirupati, to the satisfaction of the V Additional Judicial Magistrate of First Class, Tirupati. The present petition is filed to modify the conditions and permit the petitioners to furnish one local surety and one non local surety for all of them, as it is difficult for them to furnish one surety each from local jurisdiction of the SHO, RSASTF PS, as they are residents of Tamil Nadu State.

3. Admittedly, all the petitioners are residents of Tamil Nadu State and involved in a serious crime i.e., smuggling of red sanders within Chittoor District and the main reason for imposing such condition is to secure their presence during the trial, since they are residents of Tamil Nadu State. The Sessions Court imposed such condition directing them to furnish one local surety each i.e., all the four petitioners have to furnish each one local surety within the jurisdiction of RSASTF and each one non

local surety. The offence committed by the petitioners is a grave offence i.e., smuggling of red sanders and if non local sureties are accepted, they don't bother to forgo Rs.15,000/- of the surety amount and it is very difficult for the prosecution to secure their presence during the trial and hence, the Sessions Court directed the petitioners to produce each one local surety to get their presence during the course of trial. Therefore, I find no ground to modify the conditions imposed by the Sessions Court and consequently, the petition is liable to be dismissed.

4. In the result, the criminal petition is dismissed.

Date: 13.03.2017
BSS

M. SATYANARAYANA MURTHY, J



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