

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2974 OF 2017

ORDER:

This petition, under Section 439(1)(b) Cr.P.C., to relax the condition imposed by the Principal Sessions Judge, Mahabubnagar, by an order, dated 09.02.2017, while reducing the bond amount for release of the petitioner on bail in CrI.M.P.No.110 of 2017 in CrI.M.P.No.1215 of 2016 in Crime No.137 of 2013, wherein the petitioner was directed to file an affidavit regarding properties owned by him.

2. The contention of the learned counsel for the petitioner is that the petitioner is not required to file an affidavit disclosing the details of the properties owned by him and it is not a condition imposed under Section 439 Cr.P.C., or 438 Cr.P.C.

3. According to Section 439(1)(a) Cr.P.C., any condition may be imposed by a Magistrate when releasing a person on bail, which it considers necessary for the purposes mentioned in that sub-Section. But, the section does not disclose what are the conditions to be imposed identical to Section 438 Cr.P.C. However, the details of the properties of the petitioner are not relevant for enlarging him on bail and if it is to protect the interests of the victims in those crimes, the jurisdiction is vested in the other Forum, but not on the Sessions Court. Hence, the said condition can be relaxed.

4. The learned Sessions Judge also directed the petitioner to report before the Investigating Officer on 2nd and 4th Saturday of every month until further orders. On this aspect, learned counsel for the petitioner submits that it is difficult for the petitioner to appear before the

Investigating Officer on every 2nd and 4th Saturday in view of imposing such a condition in more than 24 crimes.

5. Therefore, taking into consideration the facts and circumstances of the case, the condition to file an affidavit disclosing details of the properties owned by the petitioner is hereby relaxed and the condition reporting before the Investigating Officer on every 2nd and 4th Saturday is modified, while directing the petitioner to report before the Superintendent of Police, CID, Hyderabad, on last Saturday of every month. The other conditions imposed by the learned Sessions Judge shall remain intact.

6. Accordingly, the Criminal Petition is allowed in part.

Date:12.04.2017
INL

M.SATYANARAYANA MURTHY,J

