

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1567 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - accused No.1 viz., Allu Satti Babu @ Satyanarayana, requesting to relax the condition imposed by the learned Metropolitan Sessions Judge -cum- I-Additional District and Sessions Judge, Visakhapatnam, by the order dated 21.11.2016 in Criminal M.P. No.3863 of 2016 in Crime No.48 of 2016 of K.D. Peta Police Station.

2. The conditions of the learned Metropolitan Sessions Judge - cum- I-Additional District and Sessions Judge, Visakhapatnam, are to the effect that “the petitioner/A1 to be enlarged on bail subject to furnishing a personal bond of Rs.50,000/- (Rupees fifty thousand only) and two sureties who shall furnish a Fixed Deposits of Rs.50,000/- (Rupees fifty thousand only) each to the satisfaction of the Additional Judicial First Class Magistrate, Narsipatnam and the petitioner and the sureties shall furnish the attested copies of their Aadhar Card and the bail is subject to the verification of the genuineness of the details of the Aadhar Card.”

3. Sri G. Venkat Reddy, learned counsel for the petitioner would agree that it is not a petition, which ought to be filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, ‘the Code’), when there is a specific provision under Sections 439(1)(b) and 440(2) of the Code.

4. An elaborate order is passed in alike petitions in CrI.P.Nos1396 of 2017 and 618 of 2017 and being pronounced today, holding that the request of this nature has to be entertained either under Sections 439(1)(b) or 440 of the Code, where a specific provision is inlaid in the Code to seek appropriate relief.

5. Accordingly, the criminal petition is disposed of giving liberty to the petitioner to avail the opportunity under the relevant provisions of law.

6. The Registry is directed to return the original/certified copy of impugned order in Criminal M.P.No.3863 of 2016 to the learned counsel for the petitioner forthwith without any delay.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 27, 2017.

Note:

Issue C.C. by tomorrow.

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