

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1395 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity), is filed by the petitioner/accused no.1, having been aggrieved of the docket order, dated 02.05.2017, of the learned Principal Sessions Judge, Nalgonda, passed in C.F.No.775 of 2017 in case in Crime No.90 of 2013 of Miryalaguda I Town Police Station (with CID, Telangana State, Hyderabad).

2. I have heard the submissions of Sri S.Satyanarayana Prasad, learned senior counsel appearing for Sri V. Venkateswara Rao, learned counsel for the petitioner, and of the learned Public Prosecutor for the State of Telangana representing the respondent. I have perused the material record.

3. The facts, which are necessary for consideration, in brief, are as follows:-

The petitioner was enlarged on bail by order, dated 15.12.2016, passed by the learned Principal Sessions Judge, Nalgonda. However, this Court, by order, dated 13.04.2017, passed in Criminal Petition No.3066 of 2017, while exercising power under Section 440(2) of the Code, reduced the bond amount from Rs.5,00,000/- to Rs.1,00,000/- and directed release of the petitioner/accused no.1 on his executing a personal bond for the said sum with two sureties in a like sum each to the satisfaction of the learned Principal Sessions Judge, Nalgonda. Pursuant thereto, the petitioner/accused no.1 produced two sureties before the

Court below. By the order impugned, the Court below has not accepted and rejected the sureties furnished by the petitioner.

4. A plain perusal of the impugned order shows that the sureties are rejected on the grounds that there are number of cases pending against the petitioner/accused no.1 and the sureties are not related to him and they are only stated to be the relatives of the workers of the Company of the petitioner/accused no.1 and that the sureties are not able to control the accused and, therefore, the Court is not satisfied with the sureties furnished and their *bona fides*.

5. The learned senior counsel appearing for the petitioner would submit as follows: The order impugned is unsustainable. The Court below failed to exercise its discretion judiciously. It erroneously rejected the sureties furnished. The Court below ought not to have doubted the *bona fides* of the sureties on the sole ground that they are not related to the petitioner/1st accused. When the sureties are independent sureties and are solvent and when their identity is not doubted, the Court below ought to have accepted the sureties instead of rejecting the sureties.

6. Per contra, the learned Public Prosecutor for the State of Telangana would submit that acceptance or otherwise of the sureties furnished is the absolute discretion of the Court of Session and, therefore, the discretion exercised by the Court below needs no interference by this Court. According to the submissions of the learned senior counsel, there is no basis for the observation in the impugned order that the sureties are not able to control the petitioner/accused no.1, as the petitioner/accused no.1 was in prison as on the date of the production of the sureties.

7. I have given detailed and earnest consideration to the facts and submissions.

8. As rightly urged by the learned senior counsel appearing for the petitioner/accused no.1, it is not in dispute that the sureties produced by him are independent and solvent sureties and they are not admittedly related to him, but, are stated to be the relatives of the workers of the Company of the petitioner/accused no.1. Further the identity of the sureties and the documents produced by them are not in dispute. In the facts and circumstances of the case on hand, there is no reason in insisting upon production of sureties who are related to the petitioner/1st accused.

9. Having regard to the facts and submissions, this Court is satisfied that this Criminal Revision Case can be disposed of with appropriate directions.

10. In the result, the Criminal Revision Case is allowed directing the learned Principal Sessions Judge, Nalgonda, to re-examine the sureties furnished by the petitioner/accused no.1 and enlarge the petitioner/accused no.1 on bail, provided the sureties are genuine, without rejecting the sureties on the ground that they are not related to the petitioner/accused no.1.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

05th June, 2017
Bvv

M.Seetharama Murti, J