

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12330 of 2017

ORDER:

This Criminal Petition, under Section 440 read with 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, requesting to modify the order, dated 21.11.2017, passed in CrI.M.P.No.2314 of 2017 in CrI.M.P.No.2579 of 2016 on the file of the Principal Sessions Judge, Guntur. The learned counsel for the petitioner filed a memo seeking the relief under Section 439(1)(b) Cr.P.C. instead of Section 440 read with 482 of Cr.P.C.

2. Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. In the original order, dated 09.01.2017, in CrI.M.P.No.2579 of 2016, the Court of Session ordered release of the petitioner on bail on executing a bond for Rs.1,00,000/- with two sureties for the like sum each and further directed the sureties to submit two passport size photographs and also solvency certificates. When the petitioner/accused filed CrI.M.P.No.2314 of 2017 stating that he is unable to produce solvency certificates, but two persons are ready to stand as sureties by depositing the amount ordered by the Court. While dealing with the said petition, the learned Sessions Judge ultimately on 21.11.2017, directed each surety shall furnish a fixed deposit receipt for Rs.2,00,000/- obtained from any nationalized bank, duly complying RBI norms, in terms of Section 445 Cr.P.C. The petitioner/accused could not obtain the sureties,

who are capable of depositing Rs.2,00,000/- each. In the original order dated 09.01.2017 in CrI.M.P.No.2579 of 2016, the learned Sessions Judge directed to furnish the solvent sureties for Rs.1,00,000/- each.

4. Since the impugned modified order created hardship to the petitioner/accused, the same is modified to the effect that each surety shall furnish fixed deposit receipt for Rs.1,00,000/- (Rupees one lakh only) instead of Rs.2,00,000/-. The other conditions imposed in the impugned order dated 21.11.2017 passed in CrI.M.P.No.2314 of 2017 holds good.

5. The Criminal Petition is ordered accordingly.

Dr. Shameem Akther, J

21st December, 2017

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