

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.12000 OF 2017

ORDER:

This criminal petition is filed, under Section 482 of Criminal Procedure Code, questioning the condition No.1 in the order dated 30.10.2017 passed in CrI.M.P. No.2995 of 2017 in Crime No.126 of 2017 by the Judicial First Class Magistrate, Rampachodavaram, wherein the petitioner herein filed the petition under Section 457 Cr.P.C, to release the tractor bearing No.AP 20 TC 5041.

During pendency of investigation, the trial Court while ordering release of the vehicle imposed, seven conditions, and the first condition is as under:

“The petitioner shall execute a personal bond of Rs.1,50,000/- (Rupees one lakh fifty thousand only) with one cash surety for a like sum and should be deposited in any Nationalised bank in favour of that Court. The surety holder must have permanent abode and he shall file any proof of the same.”

Now this condition is challenged on the ground that it is an onerous condition and requested to modify the condition.

Keeping the value of the property and complicity, the petitioner, being a third party, is bound to produce the vehicle, the cash surety is converted into security of immovable property with one surety within the local limits of the Court.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:06.12.2017
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