

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.8099 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused to quash the order dated 10.08.2017 in CrI.M.P.No.713 of 2017 in Crime No.58 of 2017 passed by the Special Judge for Protection of Children from Sexual Offences-cum-I Additional Sessions Judge, Adilabad and consequently to direct the respondent to release the motorcycle bearing No.AP 01 AE 6891.

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

3. Learned counsel for the petitioner would submit that the petitioner is the owner of the motorcycle and he is ready to furnish adequate guarantee for the interim custody of the said motorcycle.

4. Learned Assistant Public Prosecutor did not oppose the same.

5. There is no dispute with regard to the ownership of motorcycle bearing No.AP 01 AE 6891. No doubt, it is alleged to have been seized pursuant to the confession made by the petitioner in the instant case registered for the offences punishable under Sections 376, 496, 417 read with Section 6 of POCSO Act, 2012. Pending trial of the main case, interim custody of the motorcycle bearing No.AP 01 AE 6891 can be given to the petitioner on furnishing adequate bank guarantee.

6. Hence, the Court below is directed to release the motorcycle bearing No.AP 01 AE 6891 in favour of the petitioner pending trial of the case subject to the petitioner executing a personal bond for a sum of Rs.20,000/- and furnish a bank guarantee for the said amount. On release of the motorcycle, the petitioner shall keep the same in a working condition and shall not change its parts, etc. The petitioner is also directed to produce the motorcycle as and when required by the Court.

7. With the above condition, the Criminal Petition is allowed.

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

Date : 12.03.2018
ssp

DR. SHAMEEM AKTHER, J

