

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.1864 OF 2018

ORDER:

This Criminal Revision Case is filed questioning the docket order dated 02.07.2018 passed in CrI.M.P.No.479 of 2018 in Crime No.61 of 2018 on the file of the Judicial Magistrate of First Class at Bodhan to the extent of furnishing a personal bond for a sum of Rs.40,00,000/- lakhs with one surety for likesum for the purpose of releasing/giving interim custody of the case property i.e. TATA Hitachi EX 200 LC, Model No.2006, Sl.No.2001-6160, Excise Invoice No.212582, in favour of the petitioner.

Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State.

The facts of the case are that the above said vehicle has been seized in connection with Crime No.61 of 2018 of Bodhan Rural Police Station, Nizamabad District on 26.05.2018. Pursuant to the said seizure, the petitioner herein filed a petition in CrI.M.P.No.479 of 2018 seeking interim custody of the said vehicle on the file of Court of Judicial Magistrate of First Class, Bodhan. The learned Magistrate, after hearing, was pleased to pass orders on 02.07.2018 allowing the petition granting interim custody of the subject property, however, on condition of petitioner furnishing a personal bond of Rs.40,00,000/- lakhs with one surety for the likesum etc. Aggrieved by the imposition of said conditions, the present Criminal Revision Case is filed.

The learned counsel appearing for the petitioner would contend that the petitioner has purchased the subject vehicle in

the year 2016 for a sum of Rs.10,80,000/- and today's value of the subject vehicle as per the certificate issued by the insurance company limited is Rs.8,00,000/- lakhs (IDV value). Therefore, the condition imposed by the Court below while giving interim custody of the subject vehicle to the petitioner is onerous and he is not in a position to furnish a bond for such a high amount.

The learned Public Prosecutor appearing for the respondent-State fairly conceded that when the IDV value of the vehicle itself is Rs.8.00 lakhs, the imposition of condition of furnishing personal bond for a sum of Rs.40,00,000/- with one surety for the likesum is totally on the higher side.

Taking the above said submissions into consideration, this Court is of the opinion that the condition imposed for giving interim custody of the subject vehicle by the Court below is on higher side. Therefore, this Court is inclined to interfere with the order passed by the Court below to the extent of imposition of the conditions.

Accordingly, the Criminal Revision Case is allowed. The order passed in CrI.M.P.No.479 of 2018 in Crime No.61 of 2018 on the file of Judicial Magistrate of First Class at Bodhan is modified as far as the furnishing of personal bond is concerned and the petitioner is directed to furnish a personal bond for a sum of Rs.5,00,000/- with one surety for the likesum. It is needless to observe that the other conditions imposed by the Court below remains unaltered and the subject vehicle shall be released to the petitioner in compliance with the above said conditions.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAHA RAO,J

18th JULY 2018.
Tsr

