

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.8797 of 2018

ORDER:

The petitioner challenges the order dated 28.6.2018 in CrI.R.P.No.35 of 2018 passed by the IX Additional Sessions Judge, (FTC), Krishna District at Machilipatnam, while allowing the Criminal Revision Petition directing the Revision Petitioner to execute personal bond for a sum of Rs.4,50,000/- with two local sureties.

2. The submission of learned counsel for the petitioner is that the petitioner belongs to Tamilnadu State and it is difficult for him to produce the local sureties of Krishna District and deposit their title deeds of their properties the condition imposed being onerous one to comply with to get release of his vehicle, the same may be modified. With regard to the execution of bond for Rs. 4,50,000/-, he submits that the vehicle in question was of the year 2000 and considering the depreciation, the bond value set up by the Sessions Court is on high side. He produced copy of R.C. Book pertaining to the vehicle bearing No.TN 28H2707.

3. This Court finds force in the submission of learned counsel for the petitioner. Accordingly, the impugned order is modified and the Revision Petitioner is permitted to receive the lorry bearing No. TN 28H2707 on the condition of his offering a bank guarantee for a sum of Rs.3,50,000/- from a Nationalized Bank till disposal of the Criminal Case to the satisfaction of the trial Court. Upon such production of the bank guarantee, the vehicle bearing No. TN 28H2707 shall be released. The petitioner shall give an undertaking before the trial Court that he shall produce the vehicle

as and when directed by the trial Court and he shall not alter the body or parts of the engine of the vehicle bearing No. TN 28H2707.

4. The Criminal Petition is allowed.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 27/12/2018

NOTE: Issue CC tomorrow
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