

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 9283 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') by the petitioner-accused No. 1 to relax the condition imposed in order dated 06-04-2018 in Criminal Revision Petition No. 15 of 2018 on the file of the Court of IV Additional District and Sessions Judge, Kurnool (for short, 'the Court below').

2. The petitioner-accused No. 1 filed Criminal M.P.No. 602 of 2018 on the file of the Court of Judicial Magistrate of I Class, Kurnool (for short, 'the trial Court'), under Section 451 of Cr.P.C. seeking return of property *i.e.* Maruti Dzire VDI Car bearing No. AP 21 BW 2919 for *interim* custody. The trial Court by order dated 12-03-2018 dismissed the above M.P. Feeling aggrieved, the petitioner preferred revision before the Court below. The Court below by order dated 06-04-2018 set aside the order of the trial Court and granted *interim* custody of the vehicle to the petitioner on her executing a personal bond for Rs.8,00,000/- with two sureties for like sum each to its satisfaction and on further conditions that the petitioner shall not alienate and alter the physical features of the vehicle and shall produce the same as and when directed by it. Feeling aggrieved by the condition to execute personal bond for Rs.8,00,000/- with two sureties, the petitioner filed the present petition.

3. Imposing condition to execute bond for Rs.8,00,000/- for grant of *interim* custody of the vehicle which is of the year 2009 is onerous and it is nothing but denial of relief. The condition of executing bond for Rs.8,00,000/- is therefore modified to that of Rs.5,00,000/- with two sureties for the like sum each and the rest of the order shall remain intact.

4. The criminal petition is accordingly allowed. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 31-08-2018.

JSK

M.SATYANARAYANA MURTHY, J.

