

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.13889 OF 2018

ORDER:

The petitioner herein challenges the order dated 26.10.2018 in CrI.M.P.No.226 of 2018 in Crime No.52 of 2018 passed by learned Additional Judicial First Class Magistrate, Vikarabad, Ranga Reddy District, directing the petitioner to furnish personal bond for Rs.14,00,000/- by way of bank guarantee, for granting of interim custody of gold articles seized by investigating officer.

2. Heard.

3. Learned counsel for petitioner would submit that the petitioner being the complainant and owner of gold, the trial court ought not to have imposed any condition, much less onerous condition of furnishing bank guarantee for a heavy amount of Rs.14,00,000/-, that too when the value of the gold seized as per the complaint is only Rs.6,00,000/-.

4. Learned Additional Public Prosecutor opposed the petition stating that the petitioner has undervalued the gold ornaments in the complaint and therefore, the trial court rightly imposed the condition of offering bank guarantee for Rs.14,00,000/- and there is no need to revise the said order.

5. During the course of hearing, learned counsel for petitioner, on instructions, submitted that the petitioner is

ready to submit bank guarantee equivalent to the value as appraised by an authorized appraiser of any nationalized bank.

6. Having found the reasonability in the said submission, this criminal petition is allowed and the order of the learned Magistrate is set aside to the extent of his directing the petitioner to furnish personal bond of Rs.14,00,000/- by way of bank guarantee. Instead, the Magistrate is directed to obtain the value of gold ornaments through an authorized appraiser of any nationalized bank and accordingly fix the bank guarantee to be offered by the petitioner till disposal of criminal case.

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

28.12.2018
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U.DURGA PRASAD RAO, J