

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.153 OF 2019

ORDER:

Heard learned counsel for the petitioner and the learned Public Prosecutor representing the respondent State and perused the impugned order in CrI.M.P.No.1808 of 2018, dated 27.09.2018, in Crime No.209 of 2018 of Gopalapuram Police Station, Secunderabad, of State of Telangana, that was registered for the offence punishable under Section 379 of Indian Penal Code (for short, 'IPC') against one Kalvakol Ramulu from the report of the petitioner/*de facto* complainant and the police remanded the accused in the course of investigation on 06.08.2018 by showing the offences punishable under Sections 403, 406 & 410 IPC against the accused supra and by mentioning that the amount belongs to the *de facto* complainant victim of Rs.30,00,000/- that was stolen and misappropriated from the back of the *de facto* complainant was recovered out of it Rs.28,40,300/- and she claimed for return of the amount and the remand report clearly speaks the amount belongs to the *de facto* complainant and the learned Magistrate by the impugned order allowed the same on 27.09.2018 with observation that petition is allowed permitting to receive the amount by modification of the earlier order of CrI.M.P.No.1575 of 2018, dated 07.09.2018, in directing to execute a personal bond for Rs.10,00,000/- with one third party security for like sum to the satisfaction of the Court. Now it is impugned saying it is onerous.

2. What is asked is a third party security with Rs.10,00,000/- personal bond. Now it is the submission that instead of third party security, the petitioner is ready to give immovable property security of the property covered by 222.96 square meters = 266.66 square yards from L.P.No.19/2018/VJA from out of RS.Nos.21-7, 21-8, 21-9, 21-10,

21-12, 21-13, of A.P.C.R.D.A., Laxmipuram Village, Chattannavaram Gram Panchayat, Veerulapadu Mandal, Kanchikacherla Sub-Registrar, that is shown on the face value as on the date of purchase 29.08.2018 of Rs.3,87,000/-, the same is permitted in directing the lower Court to obtain personal bond and obtain the immovable property security from the undertaking creating oral equitable mortgage by confirmation letter in the form of affidavit with bond on Rs.100/- acknowledging the deposit of the original title deed with Encumbrance Certificate of unalienated and not going to alienate in any manner and the same can be make good in case of any future contingency out of the property pursuant to the bond.

3. With the above observations, the Criminal Petition is disposed of.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 15th February, 2019

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