

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.512 of 2019

ORDER:

This Criminal Petition under Section 482 of Cr.P.C., is filed by the petitioner/owner of the property seeking to relax the conditions imposed by the Judicial First Class Magistrate, Jangaon, vide order dated 20.12.2018 in CrI.M.P.No.831 of 2018 in Cr.No.330 of 2017.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The petitioner is A1 in Cr.No.330 of 2017 on the file of Jangaon Police Station, registered for the offences under Sections 120-B, 406, 409 and 420 IPC and under Section 3 read with Section 7 read with Section 17(e) and (A) of Telangana State Public Distribution (Control) Order, 2016 and under Section 7 of EC Act, 1955. He filed the impugned application under Section 457 of Cr.P.C., seeking to return certain documents, promissory notes and property agreement papers, which were seized in the said crime, to him as interim custody. The trial Court, while allowing the said petition, granted interim custody of the properties by imposing the following conditions:

(1) that the petitioner shall execute a personal bond for a sum of Rs.10,00,000/- with two sureties for a like sum each;

(2) the petitioner shall not dispose of and alter nature of the property or mortgage the same pending disposal of the case;

(3) the petitioner shall substitute the documents with certified copies;

(4) the petitioner shall produce the property before this Court as and when directed by this Court;

(5) the SHO is directed to produce seized property i.e., document Nos.2935/2017, 8269/2013, 3873/2014, 8046/2013, 95/2012, 96/2012, 3116/2014, 1298/2014, 2097/2014, 3921/2017 (made up file No.1) and also seized promissory notes and property agreement papers (made up file No.2) before the Court. Further the Superintendent of the Court is directed to conduct panchanama before handing over the property and also take photographs of the same;

(6) Address a letter to the Registrar concerned not to transfer the properties to any third parties covered under document Nos.2935/2017, 8269/2013, 3873/2014, 8046/2013, 95/2012, 96/2012, 3116/2014, 1298/2014, 2097/2014, 3921/2017 (made up file No.1) and also seized promissory notes and property agreement papers (made up file No.2) till disposal of the main case.

4. Learned counsel for the petitioner submits that the trial Court had imposed several onerous conditions on the petitioner and thus, he prays to relax those conditions.

5. Having regard to the facts and circumstances of the case and in view of the nature of offences alleged, this Court is inclined to relax condition Nos.2,4,5 and 6 imposed by the trial Court. However, condition No.1 imposed by the trial Court directing the petitioner to execute a personal bond for a sum of Rs.10,00,000/- with two sureties for a like sum each, is modified to the extent that the petitioner shall execute a personal bond for a sum of Rs.30,00,000/- (Rupees thirty lakhs only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Jangaon. The remaining condition No.3 shall remain unchanged.

6. With the above modifications, the Criminal Petition is disposed of.

7. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

G.SRI DEVI, J

17th July, 2019

sj

