

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRIMINAL PETITION No.1197 of 2019

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., challenging the order dt.29.12.2018 in CrI.MP.No.193 of 2018 in FIR No.154 of 2018 of P.S. Morthad passed by the Special Sessions Judge for trial of cases under S.C's and S.T's (POA) Act-cum-VIII Additional Sessions Judge, Nizamabad.

2. The police of Morthad registered a case in Crime No.154 of 2018 under Sections 342, 363, 324, 448, 427, 290, 506 read with 149 IPC and Section 3(2)(va) of SC's and ST's (POA) Amendment Act, 2015 and recovered a Grand i10 Car bearing No.TS 16 EB 8829 after arresting the accused.

3. The said vehicle was deposited before the VIII Additional District & Sessions Judge-cum-SCs & STs Court at Nizamabad vide CPR No.25 of 2018 on 13.12.2018.

4. Petitioner, who is A-2 and also the owner of the said vehicle, filed a petition under Section 451 Cr.P.C., for grant of interim custody of the said vehicle.

5. After hearing the counsel for petitioner and the Additional Public Prosecutor, the Court below allowed the said application on 29.12.2018, but however directed the petitioner to execute a personal bond for a sum of Rs.10,00,000/- with bank guarantee for a like sum to the satisfaction of the Court below, and also directed the petitioner to deposit the original R.C. Book in to the Court and

prohibited him from selling and mortgaging the said vehicle. It also directed him to produce the vehicle as and when required without changing its nature and colour.

6. Counsel for petitioner contends that condition imposed by the Court below for execution of a personal bond for Rs.10,00,000/- with bank guarantee for a like sum is onerous and the said condition would practically make it impossible for the petitioner to take interim custody of the vehicle.

7. The learned Public Prosecutor states that the said condition is some what onerous and the Court may consider relaxing the same.

8. Therefore, the order dt.29.12.2018 in CrI.MP.No.193 of 2018 is modified; the condition imposed therein that the petitioner shall furnish a bank guarantee for a sum of Rs.10,00,000/- is deleted and is substituted with the condition that the petitioner shall provide third party immovable property security for a sum of Rs.10,00,000/- to the satisfaction of the Court below. All other conditions remain unchanged.

9. With the above directions, this Criminal Petition is disposed of.

10. Consequently, miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

01st March, 2019.

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