

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4909 of 2019

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C., challenging the order, dated 14.06.2019 in Crl.M.P.No.2970 of 2019 in Cr.No.125 of 2017 passed by the XII Addl. Chief Metropolitan Magistrate, Hyderabad, whereby the learned Magistrate directed the respondent-police to release the seized vehicle of the petitioner on executing a personal bond for Rs.1,00,000/- with one surety for a like sum with other terms and conditions.

2. It is submitted on behalf of the petitioner that after receipt of the said order, the petitioner could not comply with the condition of executing a personal bond to a tune of Rs.1,00,000/- as the petitioner is not having much amount to comply with the same because the petitioner is the house wife and the rest of the conditions are complied with by the petitioner.

3. It is further submitted that from the date of seizure of the vehicle in the year 2017, the vehicle is kept idle in the 2nd respondent police Station till date, and due to heavy rains and other calamities, the vehicle and its tyres have already been damaged and it would also a loss to the petitioner. Thus, the petitioner filed the present application under Section 482 Cr.P.C. seeking modification of condition passed by the learned Magistrate.

4. Heard. Perused the order passed by the learned Magistrate.

5. As seen from the contents of the present petition and the order passed by the learned Magistrate, it seems that the petitioner is the owner of the vehicle bearing No. TS 12 EB 0990 and the same was seized by the 2nd

respondent and kept in the custody of the 2nd respondent in Cr.No.125 of 2017 and since then, the vehicle is lying with the 2nd respondent. The petitioner filed CrI.M.P.No.2970 of 2019 before the XII Addl. Chief Metropolitan Magistrate, Hyderabad, under Section 451 r/w 457 Cr.P.C. with a prayer to grant interim custody of the vehicle bearing No. TS 12 EB 0990. The learned Magistrate considered the application filed by the petitioner and directed to release the vehicle in favour of the petitioner with certain terms and conditions and also directed the petitioner to execute a personal bond for a sum of Rs.1,0,000/- with one surety for a like sum.

6. On perusing the order of the learned Magistrate, I do not find any illegality in directing the petitioner to execute a personal bond for Rs.1,00,000/- with one surety for a like sum.

7. However, during the course of arguments, learned counsel for the petitioner made the prayer only to the extent that the petitioner is ready to execute personal bond and surety may not be insisted by the learned Magistrate to deposit a sum of Rs.1,00,000/-. Though there is no such order passed by the learned Magistrate, however, in view of the prayer made by the learned counsel for the petitioner, both the petitioner and surety shall execute indemnity bond for a sum of Rs.1,00,000/- for a like sum.

8. With the above direction, this Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G.SRI DEVI

DATED: 22.08.2019.
Hsd



