

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5457 of 2019

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order, dated 01.08.2019 in Crl.M.P.No.1723 of 2019 in Cr.No.357 of 2019 on the file of XIV Additional Chief Metropolitan Magistrate, Hyderabad.

2. As seen from the record, the petitioner herein-A2 filed the above petition seeking interim custody of the Bajaj Pulsar Motor cycle bearing No. TS-27A-2200 pending disposal of the main case.

3. By order, dated 01.08.2019, the learned Magistrate directed the S.H.O. of Panjagutta P.S. to deposit the above said motor cycle before the Court and on such deposit, the same shall be returned to the petitioner as interim custody on his executing a bond for Rs.35,000/- with one surety for the like sum subject to deposit of original R.C. before the Court. It was further directed that the photographs of the vehicle shall be taken and preserved in the record before delivering the same to the petitioner and the petitioner shall not sale, alienate or transfer or mortgage the vehicle. The petitioner shall also not to alter or change the nature of the vehicle under any circumstances and comply with the guidelines of the apex Court in case of *Sunderbhai Ambalal V State of Gujarat* 2002 Supp (4) SCR 217.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and he is in need of the vehicle for day to day activities. He further submits that the trial Court insisting the petitioner to furnish surety for release of his own vehicle in stead of directing him to furnish personal bond is against the principles of law as laid down by the apex Court.

5. Taking into consideration the facts and circumstances of the case and since the ownership of the vehicle is not disputed by the learned Addl. Public Prosecutor, I deem it appropriate to modify the said order.

6. Accordingly, the Criminal Petition is disposed of and the order, dated 01.08.2019 in CrI.M.P.No.1723 of 2019 in Cr.No.357 of 2019 passed by the XIV Addl. Chief Metropolitan Magistrate, Hyderabad, is modified by directing the petitioner-A2 to execute a personal bond for a sum of Rs.70,000/- for a like sum to the satisfaction of the XIV Addl. Chief Metropolitan Magistrate, Hyderabad. However, the other conditions imposed by the learned Magistrate, shall remain intact. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G.SRI DEVI

DATED: 09.09.2019.
Hsd



