

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7247 of 2019

ORDER:

This petition is filed under Section 482 Cr.P.C., seeking to modify the order dated 17.10.2019 passed in CrI.M.P.No.1070 of 2019 in Cr.No.233 of 2018 by the learned Principal Sessions Judge, Khammam, by reducing the amount of personal bond and sureties from Rs.10,00,000/- to Rs.8,00,000/-.

2. Heard learned counsel for the petitioners/A4 and A5 and learned Additional Public Prosecutor for the 2nd respondent-State and perused the record.

3. Learned counsel for the petitioners submits that initially, the Court below, while granting bail, directed the petitioners to execute a personal bond for a sum of Rs.10,00,000/- each with two sureties for a like sum each to the satisfaction of the concerned Court, however, as the petitioners were unable to furnish such huge amount of personal bond and sureties, they filed a petition to reduce the said amount, and that the Court below, by order dated 17.10.2019, partly allowed the said petition reducing the amount of personal bond and sureties from Rs.10,00,000/- to 8,00,000/-. Learned counsel further submits that since 8 cases were lodged against the petitioners on the allegation of collection of deposits, they are unable to furnish such huge amount of personal bond and sureties in all the cases as they were lodged in jail since more than 1½ years, and therefore, he prays to reduce the same from Rs.8,00,000/- to Rs.1,00,000/-each. He also filed a copy of the common order passed by this Court in CrI.P.Nos.13015 of 2018 and batch dated 06.12.2018, in respect of the similar crime, wherein this

Court reduced the surety amount from Rs.10,00,000/- to Rs.1,00,000/- in each case.

4. By the order impugned, the Court below observed that the amount involved in the present case is nearly Rs.4 crore and the present petitioners are prime accused, who floated the society, and collected the amounts from the customers by establishing branches in various places and that another prime accused is still absconding. The Court below also observed that since the petitioners are residents of Tamilnadu State without any settled abode, if the onerous condition is not imposed, there is no chance of securing their presence before the Court, however, considering their period of detention, reduced the amount of personal bond and sureties from Rs.10,00,000/- to Rs.8,00,000/-. Further, the common order relied upon by the learned counsel for the petitioners is not applicable to the present facts of the case as the petitioners herein were involved in other cases also. In any event, since the petitioners have been lodged in jail since 1½ years, ends of justice would be met if the amount of personal bond and sureties is reduced from Rs.8,00,000/- to Rs.5,00,000/- each.

5. Accordingly, the Criminal Petition is disposed of, with a direction to the petitioners/A4 and A5 to furnish a personal bond for a sum of Rs.5,00,000/- (Rupees five lakh) each with two sureties for a like sum each to the satisfaction of the Court concerned.

6. As a sequel thereto, miscellaneous applications, if any, pending shall stand closed.

G. SRI DEVI, J

12th November, 2019
sj