

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION NO: 5494 OF 2020

Between:

Prem Chand Gupta, Aged 32 Years, S/o. Kuber Gupta, Address. Village and post, Batani Badanm Hata, Deoria, Uttar Pradesh - 274001.

...Petitioner/Accused

AND

The Superintendent of Customs, (Prev), Customs Commissionerate, HQRS Office, GST Bhavan, Basheerbagh, Hyderabad 500 004.

...Respondent/Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to modify the bail order by reducing the surety amount fixed in the bail order fixed for furnishing of a self-bond of Rs.2,00,000-00 with two sureties to a self-bond of Rs.10,000-00 with two sureties for the like sum to the satisfaction of the Special Judge for the Economic Offences cum VIII Additional Metropolitan Sessions Judge at Nampally Hyderabad by keeping the other conditions as the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V. Yagmadutt, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5494 OF 2020

ORDER:

This petition is filed under Section 482 of Cr.P.C., by the petitioner/accused seeking to modify the order dated 03.04.2020 reducing the surety amount from Rs.2,00,000/- (Rupees two lakhs only) to Rs.10,000/- (Ten thousand rupees only) with two sureties for likesum each, passed in CrI.M.P.No.188 of 2020 (Comp.No.)/CrI.M.P.No.1755 of 2020 (Reg.No.) in HQPOR No.24 of 2020-Cus.Prev., by the Special Judge for Economic Offences at Hyderabad. The offences alleged against the petitioner is under Section 135 of Customs Act, 1962. The allegation against the petitioner herein is that he smuggled 933 grams of gold from Dubai.

2. Heard Sri V.Yagmadutt, learned counsel for the petitioner, learned Assistant Public Prosecutor and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is only a carpenter and he is not in a position to comply with the condition of furnishing said sureties. Though the bail was granted on 03.04.2020, he is unable to furnish the said sureties and comply with the said conditions due to financial problem. Due to the said reasons, the petitioner herein is languishing in the jail from 08.03.2020.

4. On perusal of the record including the statement of the petitioner recorded by the Customs Department under Section 108 of Customs Act, the petitioner herein has specifically mentioned that he is working as carpenter in Gujarat and he is earning around an amount of Rs.12,000/- per month.

5. Admittedly, bail was granted to the petitioner vide order, dated 03.04.2020. He has not furnished the above said sureties as directed by the Court below in the order dated 03.04.2020. The said facts would reveal that the petitioner is a carpenter and not in a position to furnish the sureties as directed by the Court below.

6. Considering the said facts and also the fact that the petitioner is in jail from 08.03.2020 and the Court below has granted bail vide order dated 03.04.2020, the petitioner is unable to furnish the said sureties from 03.04.2020, this Court is inclined to modify the said order.

7. Therefore, the Criminal Petition is allowed. The order dated 03.04.2020 passed in CrI.M.P.No.188 of 2020 (Comp.No.)/CrI.M.P.No.1755 of 2020 (Reg.No.) in HQPOR No.24 of 2020-Cus.Prev., by the Special Judge for Economic Offences at Hyderabad, is modified as follows:-

The petitioner/accused is directed to be enlarged on bail on execution of a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with sureties for likesum each to the satisfaction of the learned Special Judge for Economic Offences

at Hyderabad. The other conditions imposed in the said order, remain unaltered.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judge for the Economic Offences cum VIII Additional Metropolitan Sessions Judge at Nampally Hyderabad.
2. The Superintendent of Customs, (Prev), Customs Commissionerate, HQRS Office, GST Bhavan, Basheerbagh, Hyderabad 500 004.
3. Two CCs to Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri V. Yagmadutt, Advocate [OPUC]
5. Two CD Copies

MMK



HIGH COURT

DATED:11/11/2020



ORDER

CRLP.No.5494 of 2020

ALLOWING THE CRIMINAL PETITION

7
HMA
16/11/2020