

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9035 of 2021

ORDER:

This Criminal Petition under Section 439 read with Section 482 Cr.P.C. is filed to relax the conditions imposed by the learned Special Judge for Trial of Cases Under Economic Offences Act at Hyderabad, *vide* order dated 16.09.2021 in CrI.M.P.No. 195 of 2021 (Comp. No.), CrI.M.P.No. 339 of 2021 (Reg.No.) in HQPOR No. 39 of 2021-Cus.Prev. (HQPOR No. 26 of 2021-Comp.No.).

2. The learned Special Judge by order dated 16.09.2021 granted bail to petitioner. While granting bail, petitioner was directed to execute a personal bond for a sum of Rs. 2,00,000/- (Two lacs only) with two sureties for a like sum each to the satisfaction of that Court (of two, one surety must be from the close relatives of petitioner / accused). The second condition is petitioner / accused, after release from jail, shall appear before the respondent - complainant agency once in a fortnight i.e. on 1st and 4th Monday of every month between 10.00 A.M. and 05.00 P.M., until further orders.

3. Learned counsel for petitioner Sri C. Sharan Reddy submits that petitioner was granted bail on 16.09.2021, but still, he is languishing in jail as he is unable to comply with the conditions imposed by the learned Special Judge. He submits that petitioner is a carpenter, as such, he could not secure the bail bonds. He further submits that as conditions being onerous, the amount may be reduced and further, with regard

to second condition, as petitioner is a resident of Mumbai, after attending 4th Monday, he has to travel back and again, come on 1st Monday and instead of that, the Court may modify the said condition directing him to attend on 1st and 3rd Monday of every month.

4. On the other hand, learned Standing Counsel Sri B. Narsimha Sharma submits that in this case, smuggling of gold weighing about 895.200 grams valued at Rs.43,55,149/- is involved and the Court below taking all these circumstances into account, has rightly imposed the condition with regard to execution of bail bonds as well as appearance before the authorities.

5. It appears from the order that petitioner was granted bail on 16.09.2021, however, as he could not execute bail bonds, he has been languishing in jail. In that view of the matter, this Court deems it appropriate to modify the conditions imposed by the learned Special Judge, as under:

i) Petitioner – accused shall execute a personal bond for Rs.1,00,000/- (Rupees one lac only) with two sureties for the like sum each to the satisfaction of the Special Judge for Economic Offences, Criminal Courts Complex, Red Hills, Nampally, Hyderabad (of two, one surety must be from the close relatives of the petitioner – accused).

ii) Petitioner – accused, after release from jail, shall appear before the respondent – complainant agency once in a

fortnight i.e. on 1st and 3rd Monday of every month between 10.00 A.M. and 05.00 P.M. until further orders.

iii) Petitioner – accused shall not leave the country without prior permission of this Court and that he shall not threaten or tamper the evidence and shall cooperate with the Investigating Agency in completion of investigation in fair manner, as and when required.

6. The Criminal Petition is accordingly, allowed.

LALITHA KANNEGANTI, J

20th December 2021

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