

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.9094 OF 2021

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor for respondents. Perused the record.

2. This criminal petition is filed under Section 482 Cr.P.C. to relax the condition imposed in the order dated 21.10.2021 in CrI.M.P.No.1315 of 2021 in Crime No.06 of 2021, pending on the file of XI Additional Chief Metropolitan Magistrate, Secunderabad in so far as imposition of condition to furnish surety to the tune of Rs.25 lakhs for release of the case property i.e., Jaguar XF 2.2L diesel Luxury BSIV bearing registration No.AP-09-CS-2051 and for a consequential direction to the respondent to release the vehicle.

3. A perusal of the impugned order would reveal that the subject vehicle i.e., Jaguar XF 2.2L diesel Luxury BSIV bearing registration No.AP-09-CS-2051 was seized in connection with Crime No.06 of 2021, pending on the file of P.S., Bowenpally. Petitioner is the owner of the vehicle and he has filed a petition under Section 451 read with 457 Cr.P.C seeking return of the said vehicle for interim custody. The Court below vide order dated 21.10.2021 in CrI.M.P.No.1315 of 2021 in Crime No.06 of 2021 directed the Police to return the vehicle to the petitioner on execution of personal bond for Rs.25,00,000/- along with one surety for the like sum and directed the petitioner to deposit original RC before the said Court and also to produce the vehicle as and when directed by the Court.

Petitioner was also directed not to mortgage or alienate the subject vehicle till disposal of the case.

4. Petitioner herein is aggrieved by one condition imposed by the Court below i.e., furnishing of one surety for the like sum. Referring to the principal laid down by this Court in a judgment reported in ***Baligera Bheemudu v. State of Andhra Pradesh***¹, learned counsel for the petitioner would submit that the Court below instead of returning the vehicle on execution of personal bond and depositing of original RC and also on giving an undertaking by the petitioner/owner of the vehicle that he will not alienate the subject vehicle till disposal of the case, the Court below imposed the condition of furnishing one surety for the like sum which is in violation of principle laid down in the above said judgment.

5. It is also relevant to note that the Hon'ble Supreme Court has also held that the learned Magistrate while ordering interim custody of the vehicle, shall not impose abnormal conditions including furnishing of sureties by fixing certain amount. However, considering the nature of the offence and also allegations made against the accused including the allegation that the accused have changed the number plate etc, this Court is not inclined to accept the arguments of the learned counsel for the petitioner. Since the surety amount imposed by the Court below is on higher side, according to this Court, the same has to be reduced and accordingly the surety amount is

¹ 1993 (1) APLJ (HC) 126

reduced from Rs.25,00,000/- to Rs.5,00,000/- and all other conditions remain unaltered.

5. Accordingly, this Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending, shall also stand closed.

Date: 03.12.2021
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K. LAKSHMAN, J