

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.9877 OF 2021

ORDER:

Heard Mr. Ramesh Muddam, learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of the respondent - State. Perused the record.

2. The petitioner herein is accused No.1 in Crime No.600 of 2020 of Raidurgam Police Station, which is culminated into P.R.C. No.16 of 2021. The offences alleged against him are under Sections – 395, 397, 307, 452, 342 and 201 of IPC.

3. The petitioner herein has filed an application seeking regular bail vide CrI.M.P. No.2824 of 2021 and the learned XIV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar, vide order dated 05.07.2021, has granted regular bail to the petitioner on the following conditions:

“the petitioner/A1 shall be enlarged on bail on his execution of a personal bond for Rs.1,00,000 (Rupees One Lakh only) and furnishing two sureties for the like sum each to the satisfaction of the learned XVI Addl. Metropolitan Magistrate, Cyberabad at Rajendranagar and one of such sureties shall be of an immovable property free of encumbrances, on the conditions that (1) he shall not leave the State of Telangana without the permission of the Trial Court, (2) he shall appear before the SHO of PS concerned on every Sunday and Wednesday for a period of (3) months, (3) he shall not induce, threaten or otherwise influence the witnesses in any manner till the conclusion of the trial and (4) his future default from appearance before the Court shall not be considered leniently.”

4. The petitioner herein is native of Nepal and according to the learned counsel for the petitioner, he is staying in Hyderabad since last 20 years and working as Security Guard and, therefore, he is not in a position to furnish the sureties including immovable property. Therefore, the petitioner herein has filed a petition vide Crl.P. No.6666 of 2021 seeking relaxation of the said condition. This Court vide order dated 02.09.2021, allowed the said criminal petition with the following order:

“The petitioner/A1 is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned XVI Additional Metropolitan Magistrate, Cyberabad at Rajenderanagar.

The other bail conditions shall remain unaltered.”

5. The learned counsel for the petitioner would submit that the petitioner was arrested on 06.10.2020 and since then he is in judicial custody. The Investigating Officer has already completed the investigation and filed report, vide PRC No.16 of 2021. As stated above, the petitioner is native of Nepal and he has been staying in Hyderabad for the last 20 years by doing Security Guard. In view of the same, the petitioner will not be in a position to furnish the immovable property as security.

6. In **Moti Ram v. State of Madhya Pradesh**¹ the Hon’ble Supreme Court had an occasion to deal with the scope of bail which includes with or without sureties, amount of bond Court should insist

¹. (1978) 4 SCC 47

upon and propriety of insisting that surety should be from the same district etc. Relying on the said judgment and other judgments of the Apex Court as well as other High Courts, this Court also extensively dealt with the issue in relation to ‘furnishing of surety’ in **Ayush Mahendra v. the State of Telangana**².

7. In view of the above said discussion and also considering the principle laid down in the aforesaid decisions, the present Criminal Petition is allowed in part modifying the condition imposed by the learned XIV Additional Metropolitan Sessions Judge, Ranga Reddy District in the order dated 05.07.2021 passed in Crl.M.P. No.2824 of 2021 in P.R.C. No.16 of 2021 in Crime No.600 of 2020 of Raidurgam Police Station and as modified by this Court in the order dated 02.09.2021 in Crl.P. No.6666 of 2021 to the following effect in place of furnishing two sureties of which one such surety shall be of an immovable property free of encumbrance:

“the petitioner - accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) with two cash sureties for like sum each to the satisfaction of the XVI Additional Metropolitan Magistrate, Cyberabad”.

However the other conditions imposed by the Court below shall remain unaltered.

². 2021 (1) ALT (Crl.) 230 (AP)

As a sequel thereto, miscellaneous petitions, if any, pending, in the criminal petition stand closed.

23rd DECEMBER, 2021
Mgr

K. LAKSHMAN, J