

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5610 OF 2023

ORDER:

1. This petition is filed under Section 439(1)(b) of Criminal Procedure Code, 1973 (Cr.P.C) by the petitioners-accused Nos.1 to 6 seeking to relax the condition to reduce the surety amount to Rs.5,000/- with one surety to the satisfaction of the Additional Junior Civil Judge-cum- VII Additional Metropolitan Magistrate, Hayathnagar in CC No.1411 of 2022.

2. The grievance of the petitioners-accused Nos.1 to 6 is that while granting bail, the condition of Rs.10,000/- with two local sureties was imposed by the trial Court; as a result the petitioners are not able to procure the amount Rs.10,000/- each with two local sureties and thereby in spite of grant of bail, they are unable to execute the bond and get release from the custody.

3. Heard learned counsel for the petitioners-accused Nos.1 to 6 and learned Additional Public Prosecutor for respondent – State.

4. The trial Court appear to be ignored law already laid down by the Hon'ble Supreme Court with regard to condition of imposing local surety. When the petitioners are belong to different villages of Jarkhand State, insisting them to get local sureties of Hyderabad is difficult and they can get only local sureties by fabrication. There is no real intended purpose would be served in insisting local surety, who is not well acquainted with the accused.

5. Accordingly, the Criminal Petition is allowed and the condition of local surety is hereby dispensed, with a liberty to the petitioners-accused Nos.1 to 6 to produce surety of their choice who is known to them and the same sureties are permitted to give surety in all the cases if it fulfils the solvency conditions.

JUSTICE M. LAXMAN

Date: 18.07.2023
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