

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5627 OF 2023

ORDER:

1. This petition is filed under Section 439(1)(b) of Criminal Procedure Code, 1973 (Cr.P.C) by the petitioner-accused 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 at Hayathnagar in CC No.1359 of 2022 of PS Vanasthalipuram.

2. The grievance of the petitioner-accused 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 petitioner is not able to procure the amount Rs.10,000/- each with two local sureties and thereby inspite of grant of bail, he is unable to execute the bond and get release from the custody.

3. Heard learned counsel for the petitioner-accused 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 petitioner is belong to Jarkhand State, insisting him to get local sureties of Hyderabad is difficult and he 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 petitioner-accused to produce surety of his choice who is known to him 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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