

**HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY**

**CRIMINAL PETITION No.6642 of 2023**

**ORDER:**

This Criminal Petition is filed under Section 439 (1)(b) of the Code of Criminal Procedure (Cr.P.C.) by the petitioner/accused No.5 to relax the condition imposed by the X Additional District and Sessions Judge-cum-X Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar, *vide* order dated 05.07.2023 in CrI.M.P.No.1597 of 2023 in Crime No.380 of 2023, by reducing the surety amount from Rs.1,00,000/- to Rs.5,000/-.

2. Heard learned counsel for the petitioner and Sri S.Ganesh, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The petitioner herein is accused No.5 in Crime No.380 of 2023 registered for the offence punishable under Sections 3 and 4 of the Telangana State Gaming Act, 1974. He filed CrI.M.P.No.1597 of 2023 seeking anticipatory bail. The Court below *vide* order dated 05.07.2023 has allowed the said petition

and directed the petitioner to surrender before the Court concerned within 10 days from the date of the said order, and on such surrender, he was directed to be released on bail on his executing a personal bond for a sum of Rs.1,00,000/- with two sureties for a like sum each. Now, the present Criminal Petition is filed seeking to reduce the surety amount mentioned in the bail conditions.

4. Learned counsel for the petitioner contended that the petitioner is financially poor and therefore, prayed this Court to reduce the surety amount from Rs.1,00,000/- to Rs.5,000/-.

5. The Apex Court in *Moti Ram v. State of Madhya Pradesh*<sup>1</sup> has categorically held that the Courts while imposing conditions has to consider several aspects including the nature of offence, avocation of the petitioner and other factors.

6. In view of the law laid down in the said judgment, this Court is of the considered view that the said surety amount of Rs.1,00,000/- is on higher side and an amount of Rs.25,000/- would be reasonable.

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<sup>1</sup> (1978) 4 SCC 47

7. In view of the above, the order dated 05.07.2023 passed by the X Additional District and Sessions Judge-cum-X Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar, in CrI.M.P.No.1597 of 2023 in Crime No.380 of 2023, is modified in the following terms:

The petitioner is directed to be released on bail on condition of his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a likesum each to the satisfaction of the V Additional Metropolitan Magistrate, Ranga Reddy at L.B. Nagar.

8. The Criminal Petition is accordingly disposed of.

Miscellaneous applications, if any pending, shall stand closed.

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**G. ANUPAMA CHAKRAVARTHY, J**

Date: 21.07.2023

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