
(2001) 12 AP CK 0133

In the Andhra Pradesh High Court

Case No : Criminal Petition No. 5621 of 2001

Donavalli Suresh

APPELLANT

Vs

State of A.P.

RESPONDENT

Date of Decision : 21-12-2001

Acts Referred:

Citation : (2001) 2 CriminalCC 367 : (2002) 2 RCR(Criminal) 319

Hon'ble Judges : V. Eswaraiah, J

Bench : Single Bench

Advocate : Nandigam Krishna Rao, for the Appellant;

Final Decision : Allowed

Judgement

V. Eswaraiah, J.—This Criminal Petition is filed to relax the conditions imposed, while directing release of Maruti Car bearing No. AP. 9-A 6666 belonging to the petitioner by order, dated 02.11.2001, in CrI. M.P. No. 6171 of 2001, by the III Metropolitan Magistrate, Vijayawada, in Crime No.256 of 2001.

2. On a complaint made with regard to theft of the said Maruti Car, on 11.07.2001 a case has been registered in Crime No.256 of 2001, by the Police Station, Patamata, Vijayawada, Krishna District Against unknown accused. It appears that during the course of investigation, the vehicle was traced and the real owner of the vehicle, the petitioner, filed an application seeking release of the same. While ordering release of the vehicle in favour of the petitioner, the learned Judge imposed a condition to execute a personal bond for Rs.2,00,000/- with two sureties for like sum each. The petitioner is agreeable to the direction insofar as it relates to the conditions that the vehicle shall be produced before the court as and when required for the purpose of trial, not to alienate or dispose of the same until the disposal of the case and to file "C certificate, but he is aggrieved with regard to imposing of onerous condition of furnishing not only personal bond for Rs.2,00,000/- and also with two sureties for like sum each.

3. It is not in dispute that the petitioner is the owner of the said vehicle and it is

not liable for confiscation. On the complaint made that the vehicle was missing, a crime has been registered and after the vehicle was traced, the petitioner, being the owner of the said vehicle, filed an application for its release. The vehicle is required only as M.O. for the purpose of proving the guilt of the accused, and imposing of certain conditions for its release is to ensure the production of the vehicle as and when required during the course of trial. But imposing an onerous condition of executing a personal bond for Rs.2,00,000/- with two sureties is not at all warranted.

4. Having regard to the facts and circumstances of the case, the order of III Metropolitan Magistrate, Vijayawada, in CrI. M.P. No.6171 of 2001, dated 02.11.2001, is modified, directing the release of Maruti Car bearing No. A.P. 9-A 6666, in favour of the petitioner on his execution of personal bond for Rs.20,000/- with two sureties for a like sum each and also on furnishing a written undertaking before the III Metropolitan Magistrate, Vijayawada, that he will neither alienate nor encumber the said vehicle in any manner and will produce the same for identification, as and when required, either for the purpose of investigation by the Investigating Officer or by the court, and also the petitioner keeps the custody of the original R.C. book of the vehicle with the court, pending trial.

5. It is left open either to the Investigating Officer or for the court below to direct the concerned Road Transport Authority not to issue duplicate R.C. book to the said vehicle, pending disposal of the case.

6. With the above modifications, the Criminal Petition is allowed.