

HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**Criminal Petition No.1120 of 2021****ORDER:**

Aggrieved by the condition imposed by the Superintendent of Police, Kurnool District, in his proceedings dated 09.10.2020, to furnish Fixed Deposit Receipt for an amount for Rs.48,000/- as fixed by the Motor Vehicle Inspector for the vehicle that was seized in connection with Crime No.216 of 2020 of Kosigi Police Station, Kurnool District, to release the seized vehicle, this Criminal Petition under Section 482 of Cr.P.C. is filed by the petitioner.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent-State.

3. A case in Crime No.216 of 2020 was registered by Kosigi Police for the offences punishable under Section 188 r/w.Sec.34 of IPC and Section 34(a) of the A.P. Excise Act. Incidentally, police have seized motor cycle bearing Registration No.AP39BF 1450 in connection with the said crime. The petitioner, who is claiming to be the owner of the vehicle, filed a petition before the Superintendent of Police, Kurnool District, seeking interim custody of the said vehicle. The said petition was allowed on condition that the petitioner shall furnish a Fixed Deposit Receipt for Rs.48,000/- as fixed by the Motor Vehicle Inspector for release of the vehicle.

4. Aggrieved by the said condition, the present Criminal Petition is filed seeking modification of the same.

5. At the time of hearing of this Criminal Petition, both the learned counsel for the petitioner and the learned Additional Public Prosecutor would submit that this is a covered matter and when similar condition was imposed for release of the vehicles and the same was questioned before this Court in W.P.No.14783 of 2020, this Court allowed the said Writ Petitions on 08.09.2020, and modified the condition permitting the petitioners therein to furnish immovable property as security for release of the vehicles. Therefore, they would submit that the petitioner herein is also entitled to the similar order.

6. Therefore, in view of the aforesaid order of this Court in W.P.No.14783 of 2020, dated 08.09.2020, this Criminal Petition is allowed. The above condition is accordingly modified and the petitioner herein is directed to furnish his or third party immovable property for Rs.48,000/-, as security for release of the said vehicle. The said security relating to the immovable property shall be in conformity with the Stamps and Registration Act.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date:26.02.2021.

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