

**Date: 26.09.2025**

**COMMON ORDER ON PETITION FILED**  
**U/SEC. 446 OF CR.PC.**

*The surety for accused No.3 and 9 by name Ashok S/o Narasapp Doddamani and Vishnu S/o Venkatayya present. Sri. R.M. Adv. Filed vakalat for surety by name Ashok and Sri. N.M Adv. Filed vakalat for surety by name Vishnu along with application U/sec. 446 of Cr.P.C. and submitted that they are ready to deposit the bond amount and argued that the petitioners are the agriculturists and they have suffered from heavy loss due to heavy rain.*

*However the petitioners made attempt to find the accused NO.3 and 9 for his search by intimating his sons relatives and neighbors and failed to secure information about where the accused is present. Further petitioners submitted that, they does not have any independent source of income and entirely depend upon agriculture and suffered heavy loss in agriculture due to heavy rain. Therefore, they could not arrange the full bond amount. Further the surety petitioners visited the place where the accused persons used to reside last place found to know and it is learnt from the other persons that the accused persons went somewhere without intimating anybody's*

knowledge in the village since a time. Therefore, surety petitioner is innocent, poor and old aged, and they are before this court to praying to remit the penalty by forfeiting the bound amount and discharge him from the liability by imposing minimum cost by taking lenient view. Hence, it is prayed that may kindly forfeit the bond amount by imposing minimum cost by taking lenient view in the interest of justice. **On perusal of the record goes to that the surety by name Ashok S/o Narasappa stood as surety to the accused NO.2 and 3 and surety by name Vishnu S/o Venkatayya stood as surety to the accused No.9 by name M. Kishor varma S/o Somaraju in this case.** At this juncture in order to extend the lenient view towards the surety while forfeiture of his surety bond this court rely upon the decision of **Hon'ble Supreme Court of India reported in Istkar V/s State of Uttar Pradesh 2022 live law SC 1000-21489 where it is held that "The Magistrate while ordering the security under Section 117 has to take into consideration the status and position of the person to decide the quantum of security/bond; and cannot alter the purpose of the provisions from preventive to punitive by imposing heavy quantum of security/bond, which a person might be able to pay. The demand of excessive and**

**arbitrary amount of security/bond stultifies the spirit of chapter VIII of the Code, which remains impermissible. Hence, in view of the principles laid in the said decision, the surety is liable for lenient view while recover of bond amount.**

Perused the order-sheet the applicant/surety by name Vishnu S/o Venkatayya has executed surety bond of Rs. 25,000/- and surety by name Ashok S/o Narasappa Doddamni has also executed surety bond of Rs.25,000/-each for accused No.2 and 3, but at this stage the petitioners have stated that applicant/surety is unable to pay whole bond amount.

Heard both side and perused records. Acting U/Sec: 446(3) Cr.P.C. applicant/surety petitioners by name Ashok S/o Narasappa Doddamani is directed to deposit of Rs.5,000/- towards forfeiture of surety bond executed by the applicant/surety and Rs. 20,000/- is waived.

Heard both side and perused records. Acting U/Sec: 446(3) Cr.P.C. applicant/surety petitioners by name Vishnu S/o Venkatayya is directed to deposit of Rs.5,000/- towards forfeiture of surety bond executed by the applicant/surety and Rs. 20,000/- is waived

C.C.No.2/2017

*The estate of petitioner by name Ashok S/o Narasappa Doddamani is hereby discharged from all liability in respect of the bond executed for accused No.3.*

*The estate of petitioner by name Vishnu S/o Venkatayya is hereby discharged from all liability in respect of the bond executed for accused No.9.*

*Office to collect amount as ordered.*

*Issue proclamation warrant against accused No.3 and 9 on or before 06.10.2025 for fixing the date of appearance 07.11.2025.*

*Call on 07.11.2025.*

*Sd/-*

*C.J & JMFC, Sedam.*