

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10921 of 2023

Applicant :- Molhe

Opposite Party :- State Of U.P. Thru. Secy. Home Lko.

Counsel for Applicant :- Deep Kamal

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicant to modify the order dated 25.08.2023 passed by Special Chief Judicial Magistrate (Custom), Lucknow in Case Crime No.516/2022 under Sections 279, 304A I.P.C., P.S.- Malihabad, District- Lucknow.
3. Learned counsel for the applicant submitted that the vehicle bearing no.UP32DT3046 was implicated in the case crime no.516/2022 under Sections 279, 304A I.P.C., P.S. Malihabad, District- Lucknow, and thereafter, release application was filed which was allowed by the Special C.J.M., Custom, Lucknow on 25.08.2023 with the condition that applicant will deposit an F.D. of Rs.3,00,000/-, as the applicant is ready to furnish two sureties of the same amount but he is unable to arrange the money for depositing the F.D., therefore, the application is liable to be allowed by modifying the condition for releasing the alleged vehicle.
4. Learned A.G.A. opposed the prayer of applicant and submitted that application for modification is to be moved before the trial court, therefore, application is liable to be dismissed.
5. Considering the submissions of learned counsel for the parties, going through the contents of application, order dated 25.08.2023 passed by Special C.J.M. (Custom) Lucknow as well as other relevant documents, as the involvement of vehicle was found in the alleged accident by the Investigating Officer, as the release application was allowed by the trial court with the condition to deposit an F.D. of Rs.3,00,000/- which is not proper, as the applicant is unable to deposit the F.D. of Rs.3,00,000/-, therefore, the application is **allowed** and order dated 25.08.2023 passed by Special Chief Judicial Magistrate (Custom), Lucknow is modified as the applicant is directed to furnish two sureties amounting Rs.3,00,000/- each and the

vehicle shall be released in his favour forthwith.

Order Date :- 7.11.2023

V. Sinha