

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12394 of 2023

Applicant :- Chandra Prakash

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectr. Govt. Lko. And 2 Others

Counsel for Applicant :- Sikandar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 482 Cr.P.C. is filed with the prayer to set aside the impugned order dated 26.10.2023 passed by the Additional Chief Judicial Magistrate, Court No.1 Hardoi in Crime No.344/2023 under Sections 279, 337, 338, 427, 304-A I.P.C., P.S. Mallawan, District Hardoi.
3. Learned counsel for the applicant has submitted that vehicle of the applicant was falsely implicated in the incident in question, the release application was filed before the court below alongwith copy of the insurance certificate as well as R.C. and learned court below allowed the release application with a direction of furnishing personal bond of Rs.1,00,000/- and one surety of equal amount and also ordered for one surety of Rs.8,00,000/-, this is highly exorbitant, therefore, order dated 26.10.2023 passed by the A.C.J.M., Court No.1, Hardoi is to be modified upto the direction for furnishing one surety of amounting Rs.8,00,000/-, therefore, indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of the applicant but he does not dispute this fact that issue related to the motor accident claim cannot be considered at the time of release of the vehicle.
5. Considering the submissions of learned counsel for the parties, contents of the application as well as other relevant documents, as the learned court below at the time of passing the order for release

of vehicle, presumed the circumstances related to the motor accident claim, as a result, this Court is of the view that learned court below committed wrong in presuming the motor accident claim, therefore, the order dated 26.10.2023 is modified and the vehicle in question be released after taking personal bond of Rs.1,00,000/- and two sureties of equal amount.

6. In view of the above, the present application under Section 482 Cr.P.C. is **allowed**.

Order Date :- 19.12.2023

Gaurav/-