

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.714 OF 2015

Rajendra s/o Bhujang Suse

.. Petitioner

Versus

The State of Maharashtra
through Investigation Officer,
Police Station, Gangapur,
Taluka Gangapur,
District Aurangabad

.. Respondent

Mr G.K. Thigle-Naik, Advocate for petitioner
Mr S.A. Ambad, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 26th August 2015

PER COURT

Heard.

2. The respondent - Investigating agency has seized the vehicle bearing No.MH-17-AG-8455 in Crime No.I-21/2015 and I-22/2015.

3. Learned trial Court has refused to hand over the custody of the said vehicle in favour of the present petitioner. As such, present petition.

4. Heard learned Counsel for the petitioner and learned A.P.P.

5. From the conduct of the petitioner, it appears that he has no respect for law and as such, has resulted into commission of crime in question.

6. However, having regard to the law laid down by the Apex Court in the matter of **Sunderbhai Ambalal Desai Vs. State of Gujarat reported in (2002) 10 SCC 283**, which pertains to the order for custody and disposal of the property pending trial, laid down principle for exercising the powers expeditiously and judicially.

7. In view thereof and in view of the undertaking dated 26th August 2015, furnished by the petitioner, which is taken on record and marked 'X' for identification, I proceed to pass the following order :

(I) The application for release of the vehicle moved under Section 457 of Cr.P.C. stands allowed. The order dated 17th March 2015 passed in Misc. Application No.109 of 2015, by the Judicial Magistrate, First Class Court No.2, Gangapur and the order dated 23rd April 2015, passed in Cri.Revision Petition No.10 of 2015 by the Additional Sessions Judge, Vaijapur are hereby quashed and set aside.

(II) The terms of the undertaking dated 26th August 2015 are accepted. As such, the petitioner to furnish Bank Guarantee of Rs.1,00,000/- (Rs. One lac), to be kept in force till disposal of the trial against him.

(III) The petitioner to appear before the learned Judicial Magistrate, First Class, Gangapur, who shall pass further consequential order of releasing the property and may impose such additional conditions for release, as may be deemed fit and proper.

8. Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

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