

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 624 OF 2015

Bhima Shankar Rathod .. Petitioner

Versus

The State of Maharashtra .. Respondent

Ms. Sartaj Shaikh, Advocate for the petitioner
Smt. A. A. Mane, APP for the respondent-State.

CORAM:-M.L. TAHALIYANI, J.
DATED : -27/02/2015

P.C.

Admitted. By consent of the parties, taken up
forthwith for final hearing.

2 Heard the learned counsel for the petitioner and
learned APP for the respondent-State.

3 The lorry in question was involved in theft of
sand. The learned Magistrate has refused to return the lorry u/s
457 of Cr. P. C., on the ground that the same was earlier
involved in similar type of offences. It is submitted by the
learned counsel for the petitioner / owner of the lorry that some

other driver was involved in the earlier offence.

4 The fact, however, remains that lorry belonging to the petitioner was earlier involved in the offence of theft of the sand and was released on bond with certain conditions. The learned Magistrate has observed that the applicant/the petitioner has committed breach of conditions of earlier bond.

5 The learned counsel for the petitioner states that the petitioner henceforth will take all necessary steps to see that the vehicle is not involved in any type of crime. The petitioner is ready to execute requisite bond with the conditions as may be felt necessary by this Court.

6 After hearing both the sides, I pass the following order:

(1) That the lorry No. MH-48/T-8093, bearing Chassis No. [MAT373169C2N26307](#), Engine No. 697TC69NXY123927 shall be released to the petitioner / registered owner, on execution of his bond of Rs.10 lakhs with following conditions:

- (I) That he will not part with the lorry in any manner without prior permission of trial Court;
- (II) He will not change the description of lorry without prior permission of trial Court;
- (III) He will produce the lorry as and when required by the trial Court;
- (IV) He will not ply the vehicle for hire or for transportation within the jurisdiction of Valiv Police Station, for a period of one month;

7 The learned Magistrate shall be at liberty to initiate proceedings against the petitioner for committing breach of earlier bond.

8 The learned Magistrate shall be at liberty to impose requisite penalty on the petitioner, if he finds that the petitioner has committed breach of his earlier bond.

9 The writ petition stands disposed of.

(JUDGE)

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