

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Petition No. 2870 of 2015

Order:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A2, seeking to release Pulsar Motor Cycle bearing registration No.AP-36AE-2134, which has been seized by the police during the course of investigation in Crime No.45 of 2014 of Kodakandla Police Station, Warangal district.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State and perused the material on record.

3. Learned counsel for the petitioner submits that the vehicle is not liable to be seized even if the substantive allegation against the accused is proved. He further submitted that the Pulsar Motor Cycle is a mechanically propelled vehicle and if the same is allowed to be kept idle in the custody of the police, pending trial of the case, which would take considerable time, and exposed to sun and light, it may be damaged, hence, seeks to release the motor cycle.

4. The petitioner/A2 is stated to be the owner of the Pulsar Motor Cycle bearing registration No.AP-36AE-2134. The allegation in the charge sheet is that the petitioner/A2 and non-petitioner/A4 took the deceased in the car of A3 to the outskirts of the village and A1 and A3 followed them on the Pulsar motor cycle and they stabbed the deceased to death. It is stated that in the above crime, investigation was completed and charge sheet was also filed, which was numbered as PRC No.40 of 2014, and the learned Magistrate, after taking

cognizance of the offence, has committed the said case to the Court of Session and the same was numbered as SC No.356 of 2014 on the file of VI Additional Sessions Judge (III FTC), Warangal at Mahabubabad, Warangal District. Having regard to the facts and circumstances of the case, I feel that the interim custody of the vehicle can be given to the petitioner subject to certain conditions.

5. Accordingly, the Criminal Petition is allowed. The Pulsar Motor Cycle bearing registration No.AP-36AE-2134 shall be released to the petitioner herein subject to following conditions.

- i) The petitioner shall satisfy the Court concerned about the ownership of the vehicle.
- ii) The petitioner shall deposit the original RC and other papers of the vehicle by obtaining certified copies thereof from the Court.
- iii) The petitioner shall execute a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like sum to the satisfaction of the Court concerned.
- iv) The petitioner shall not change the colour or shape of the vehicle and shall not alienate the vehicle pending disposal of the case. He shall produce the vehicle as and when required by the trial Court.

6. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

M.S.K. JAISWAL, J.

Date: 15.07.2015

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