

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Misc. Petition No. 896 of 2016

Babulal Bhagat, aged about 30 years, son of Mankeshwar Bhagat, resident of village Funderdehari, Ambikapur, Police Station Gandhinagar, District Surguja (CG)

... Petitioner

Versus

State of Chhattisgarh through the Station House Officer, Police Station Kansabel, District Jashpur (C.G.)

... Respondent

For Petitioner	:	Mr. J. K. Saxena, Advocate.
For Respondent-State	:	Mr. Vaibhav Goverdhan, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/08/2016

The present petition under Section 482 of CrPC has been filed seeking for releasing of a seized Royal Infield Bullet bearing registration No. CG-14-MC/9770, Chassis No. ME3U3S5COEE463607 and Engine No. U3S5COEE463607 on Supurdnama.

2. Brief facts of the case are that the above said vehicle was seized by the Police Station, Kansabel on 26.12.2015 and since then it is in the custody of the said Police Station in connection with Crime No. 235/2015 registered under Sections 302, 392, 323, 34 IPC. An application was moved by the Petitioner for releasing the seized vehicle on Supurdnama which was rejected by the JMFC, Bagicha, District Jashpur vide order dated 25.01.2016. The said order dated 25.01.2016 was challenged by the Petitioner before the Additional Sessions Judge, Jashpur which was affirmed vide order dated 08.03.2016 passed in Criminal Revision No. 02 of 2016, leading to the filing of the present petition under Section 482 of CrPC.

3. Counsel for the petitioner submits that the petitioner is the registered owner of the vehicle and he is not an accused in the said criminal case pending before the Court below. He submits that the relevant documents belonging to the vehicle are enclosed with this petition and that the two Courts below have rejected the application only on the ground that the petitioner has not been able to furnish documents in respect of the title and ownership over the said vehicle.

4. He further submits that since the vehicle is lying idle for almost eight months, no fruitful purpose would be served if the vehicle remains idle in the custody of the police personnels exposed to the extreme weather conditions. The vehicle would get decayed day by day and would further deteriorate by passage of time to the extent that it would become unusable after some time and therefore in the interest of justice the vehicle may be released to the Petitioner. He further undertakes to give any sort of conditions required till the finalization of the criminal case or for that matter any other proceedings initiated by the authorities.

5. State counsel does not oppose the prayer made by the counsel for the petitioner.

6. Taking into consideration the facts and circumstances of the case particularly the fact that the petitioner is the registered owner of the seized motorcycle as is reflected from the certificate issued by the registering Authority and that the said vehicle was duly insured and the name of the petitioner is reflected in the insurance policy, this Court is of the opinion that no useful purpose would be served if the vehicle is allowed to get exposed in the extreme weather conditions at the police station. On the contrary, if the vehicle is released to the petitioner subject to certain conditions he can use it so that the vehicle does not become junk after some time. So far as the requirement of the vehicle for conducting of the trial is concerned, it does not

seem to be of any relevance and the requirement of the same is not reflected from the order passed by the Court below.

7. Accordingly, it is directed that the seized motorcycle bearing registration No. CG-14-MC/9770, Chassis No. ME3U3S5COEE463607 and Engine No. U3S5COEE463607 belonging to the petitioner be released to him upon his furnishing an appropriate bond and guarantee to the satisfaction of the Court below undertaking for return of the said vehicle, if required at any point of time. In the bond he shall give an undertaking that he shall not change the ownership of the vehicle nor shall he change the colour of the vehicle neither shall he create a third party right or interest over the said vehicle. He shall also undertake that he shall produce the vehicle as and when required by the prosecution during the course of investigation, trial and even at the appellate stage. He shall further undertake to produce the vehicle to any competent authority under any other statutes as and when required. The undertaking and conditions also would be to abide by the final order passed in the criminal case and also in any confiscation proceeding, if any whenever the same is completed.

8. So far as surety is concerned, the value shall be equal to the present day value of the vehicle seized to the satisfaction of the concerned Trial Court.

9. With the aforesaid observations, the Criminal Misc. Petition stands allowed.

**Sd/-
(P. Sam Koshy)
Judge**