

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35368 of 2016

ORDER:

This petition is filed by the petitioner under Article 226 of the Constitution of India seeking to direct the 3<sup>rd</sup> respondent to forthwith release the Goods Vehicle (Eicher Van) bearing No.UP 91 T 2425 to his custody.

Heard and perused the material available on record.

It is stated in the affidavit that the above vehicle collided with the backside of the stationed vehicle bearing No.RJ 02 G 3680, as a result of which, the driver and cleaner of the vehicle of the petitioner sustained minor injuries and on the complaint lodged by the petitioner, a case in Crime No. 72 of 2016 was registered. But the vehicle of the petitioner is kept under the custody of the 3<sup>rd</sup> respondent. It is the grievance of the petitioner that the vehicle was kept in the police station of the 3<sup>rd</sup> respondent, and it is exposed to sun and rain, as a result of which, it is getting damage.

Considering the facts and circumstances and the grievance of the petitioner, without expressing any opinion on merits, the Writ Petition is disposed of with the following direction:

Respondent No.3 is directed to release the Goods Vehicle (Eicher Van) of the petitioner bearing No.UP 91 T 2425 for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of the above crime, on his executing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the 3<sup>rd</sup> respondent and also on production of original R.C. book. It is further directed that the

petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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RAJA ELANGO, J

Date: 20<sup>th</sup> October, 2016  
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Date: 20<sup>th</sup> October, 2016

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