

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.38866 of 2016

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ, order, more particularly one in the nature of writ of *mandamus* declaring the action of the 2nd Respondent in not releasing the vehicle bearing No. AP 09 BT 8512 seized in relation to crime No.130 of 2016, dated 20-10-2016 in spite of visits made by the petitioner expressing his readiness to furnish the third party surety as being illegal, arbitrary and unjust and consequently direct the 2nd respondent to release the petitioner's vehicle i.e., AP 09 BT 8512 in favour of the petitioner immediately.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that if the vehicle is kept idle for a long period there is every possibility of getting it damaged and that the petitioner is ready to produce the vehicle as and when required by the Court below.

Learned Government Pleader for Home also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that vehicle i.e. Omni Van bearing Registration No.AP 09 BT 8512 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal

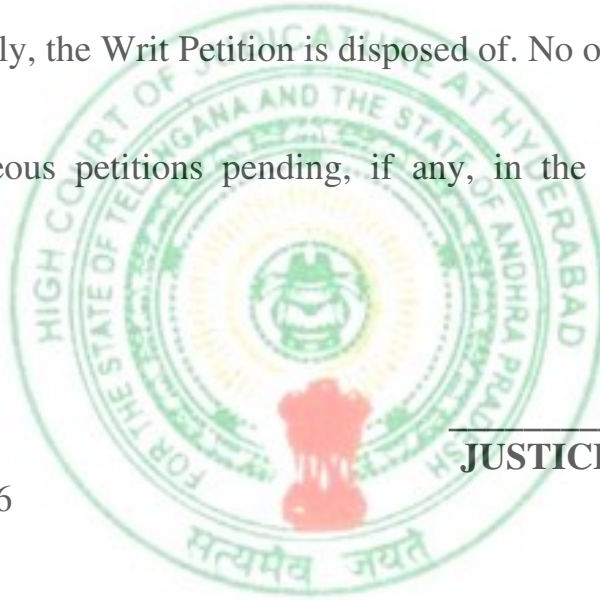
case in connection with the above crime, on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with one surety for the like sum and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the 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 by the Court below. However, it is made clear that the present order will not stand in the way of confiscation proceedings, if any, already passed. Further, this order does not preclude the authorities from passing any confiscation proceedings.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed.

Date : 11.11.2016

skmr



JUSTICE RAJA ELANGO