

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 1178 of 2017

Vikram Singh S/o Vijay Bahadur Singh, Aged About 34 Years
R/o Village Bhishampur Tahsil Amarpatan, District Satna,
Madhyapradesh.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Dongripali
District Raigarh, Chhattisgarh.

---- Respondent

For the Petitioner : Shri Akhand Prataph Singh,
Advocate.

For the Respondent/State : Shri Ashish Shukla, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03.10.2017

Heard.

Admit.

1. This petition has been brought under Section 482 of the Code of Criminal Procedure for issuance of appropriate direction and for modification in the order passed by the Special Judge, Raigarh in MJC No.10/2017 decided on 29.06.2017.
2. It is submitted by learned counsel for the petitioner that CRA. No. 16/2017 was preferred by him before this Court where in this Court has passed an order on 06.01.2017 directing the trial Court to release the seized vehicle in favour of the appellant upon his furnishing an appropriate bond and guarantee to the satisfaction of the trial Court and other conditions were also imposed. Subsequent to

that application was filed before the Court of Special Judge Raigarh, in which the impugned order has been passed and it has been ordered to furnish bond of Rs. 2 lakhs along-with Bank guarantee for the same amount before the Court for interim custody of the vehicle. It is submitted that the condition imposed for furnishing the Bank guarantee is onerous condition, which is not sustainable in the eyes of law. Hence, this petition

3. Learned counsel for the State opposes the petition and submission made in this respect.
4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. Learned counsel for the petitioner has placed reliance on the judgment of **Awdheswar Prasad Versus State of C. G. and Anr**, reported in **2012 (1) C.G.L.J. 266**, where in the condition imposed by trial Court for furnishing solvent surety was held to be onerous and direction was given that the condition to be imposed for release of vehicle on interim custody should be proper and reasonable.
6. Considering the facts and circumstances it is found proper to interfere with the impugned order passed by the trial Court. Hence, this petition is allowed at the motion stage.
7. The impugned order is modified to this extent that in place of furnishing Bank guarantee, petitioner shall furnish local surety for the amount which is ordered by Court below.
8. Accordingly this petition stands disposed off.

Sd /-

(Rajendra Chandra Singh Samant)

Judge