

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc. Petition No.551 of 2017

Anand Mishra, S/o late Shri Suresh Kumar Mishra, aged about 27 years,
R/o Ward No.5, Sakti, Purainapara, Sakti, P.S. Sakti, Tahsil Sakti, District
Janjgir-Champa (C.G.)

---- Petitioner

Versus

State of Chhattisgarh, Through District Magistrate, District Janjgir-Champa
(C.G.)

---- Respondent

For Petitioner:	Mr. Vikas Pandey, Advocate.
For State/Respondent:	Mr. S.M. Ali & Mr. Aditya Sharma, Panel Lawyers.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/06/2017

1. The petitioner's father, who was registered owner of vehicle No.CG-13/UH-9037, was murdered and the said offence is said to have been committed in the said vehicle itself. The petitioner made application for grant of interim custody of the said vehicle which has been rejected by the trial Court holding that the said vehicle is necessarily required for fair trial of the said criminal case against which this petition under Section 482 of the CrPC has been filed.
2. Learned counsel for the petitioner submits that the petitioner is entitled for interim custody of the vehicle as the vehicle is likely to become damaged standing unused.
3. The State counsel would oppose the prayer.
4. In the matter of **Ashok Kumar v. State of Bihar and others**¹, Their Lordships of the Supreme Court have held that it is not necessary to

¹ (2001) 9 SCC 718

keep the vehicle in the compound of the court indefinitely for a very long time till the final disposal of the case.

5. Following the decision of the Supreme Court and considering the fact that the petitioner's father was the registered owner of the vehicle in question and it is of no use to keep the said vehicle at the police station for a long time, it is directed that the Scorpio bearing registration No.CG-13/UH-9037 shall be released to the petitioner on the following conditions:-

1. The petitioner shall execute a bond in the sum of ₹ 5,00,000/- with two solvent sureties to the satisfaction of the trial Court.
2. The petitioner shall produce the documents showing that his father was the registered owner of the vehicle in question.
3. The petitioner shall not transfer or dispose of the said vehicle to any one else and shall not make any change in its body, colour or engine. It is needless to say that make, colour, chassis number and engine number of the vehicle shall be furnished by the petitioner before the trial Court with an undertaking that no damage shall be caused or no part of the vehicle be substituted.
4. The petitioner shall also file an undertaking before the trial Court that the said vehicle shall not be used for commission of offence; and before giving interim custody of the said vehicle to the petitioner, three coloured photographs of the cabinet size from different angles clearly indicating registration number and other particulars of the vehicle shall be kept on file. The expenses for the photographs shall be borne by the petitioner.

5. The learned Magistrate will see that photographs of the said vehicle shall also be taken clearly indicating the bloodstains etc., on the said vehicle, if any, to protect the interest of the prosecution.
6. The petitioner shall produce vehicle either before this Court or before the trial Court or such authorities as it may be directed, on his own expenses.
6. The impugned order is set aside and the petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma