

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 193 of 2017**

Charanjeet Singh Saluja, S/o Jashwant Singh Saluja, aged about 29 years, resident of village Basna, police station and tahsil Basna, district Mahasamund, Chhattisgarh.

---- Petitioner**Versus**

State of Chhattisgarh through police station Basna, district Mahasamund, Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri Kishore Bhaduri and Shri Ravi Kumar Bhagat, Advocates.
For the Respondent/ State :		Shri Neeraj Sharma, Deputy Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment****07.07.2017**

1. The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure to invoke inherent powers of this Court to pass order of interim custody of the vehicle, which was seized in Criminal Case No. H-77 of 2016 against the order passed by the Sessions Judge, Mahasamund, vide order dated 8.12.2016.

2. Learned counsel for the petitioner submits that the petitioner is the registered owner of vehicle Ford (Eco Sports) Car bearing registration No.C.G. 04 -K.U. - 0765. This vehicle was seized by the police of Police Station Basna in connection with Offence No. 275 of 2016, for offences under Sections 376D, 506 part II of the Indian Penal Code and under Section 3(1)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC & ST Act, 1989'). The

petitioner moved an application under Sections 451/ 457 of the Cr.P.C. with a prayer to release the vehicle in his favour on interim custody. This application has been decided by the impugned order, giving reason that the incident took place in the seized vehicle and the victim belongs Schedule Caste category and that the offence committed is of grave nature, for these reasons, the application was rejected.

3. Reliance has been placed on the order of this court in the cases of Cr.M.P. No. 448 of 2017 (**Chandramani Yadav vs. State of Chhattisgarh and Anr.**) on 16.5.2017, Criminal Revision No. 901 of 2016 (**Prashant Gulhare vs. State of Chhattisgarh**) on 17.11.2016. Reliance has also been placed in the judgment of the Hon'ble Apex Court in **Sunderbhai Ambalal Desai vs. State of Gujarat** reported in **(2002)10 SCC 283**.

4. Considering the ratio of law laid down in this regard, there is no requirement to retain the vehicle seized in custody of police. Considering the facts and circumstances of this case, the vehicle can be released on interim custody imposing requisite conditions. Hence, this petition is allowed. It is directed that the seized vehicle bearing registration No. C.G.04-K.U.-0765 be released on an interim custody in favour of the petitioner on his producing the documents of registration, insurance etc and on his furnishing appropriate bond and one surety of the value ascertained by the concerned Court to the satisfaction of the said Court with condition of its production at any point of time, if required during the course of trial. Further the ownership, colour of vehicle and any other material change in the vehicle shall not be made during the period of interim custody. No alienation or third party interest shall be created over the vehicle.

5. With the aforesaid directions, this petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi