

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 558 OF 2017

Gurappa Kallappa Bugga

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Hetal Patel i/b. Mr. Subhash Hullyalkar for the applicant.

Mr. N. B. Patil, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd AUGUST, 2017.

P.C. :

1. The application is preferred by the applicant for return of property viz. Car which was seized in C.R. No.448 of 2015. The applicant is purportedly the purchaser of the said car. The car was purchased from the wife of one of the accused involved in the said crime. Learned JMFC, Baramati rejected the application for return of property vide order 1st April 2017.

2. The applicant preferred Criminal Revision Application before the Sessions Court challenging the said order. The said application was allowed by order dated 8th May, 2017. One of the condition, reflected in the operative part of the order passed by the Sessions

Court while allowing the said application is that the property to be released on executing indemnity bond of Rs.6 lakhs with solvent surety in the like amount before the trial Court if chargesheet is filed.

3. Learned advocate for the applicant submitted that the value of the vehicle is approximately to the tune of Rs.3 lakhs which was mentioned in the application for return of property preferred by the applicant. Learned advocate for the applicant pointed out the say filed by the prosecution wherein the said fact was not disputed. It is further submitted that it is not disputed that the applicant is having requisite documents to show that he is the owner of the seized vehicle. It is further submitted that the condition of executing solvent surety in the like amount imposed by the Sessions Court is also not warranted.

4. Learned APP submitted that the Sessions Court has released the vehicle on certain conditions with a view to secure the said property.

5. I have perused the documents on record. The value of the car as stated by the applicant is not disputed by the prosecution in the say filed by them. The car is in custody of the police without any

reason. No purpose would be served by keeping the vehicle in the custody of the police. The Sessions Court has allowed the application but has imposed the conditions of execution of Indemnity Bond to the tune of Rs.6 lakhs and also directed the applicant to execute solvent surety in the like amount which is unwarranted. Considering the submission advanced by the counsel for the applicant, I am inclined to pass the following order;

:: ORDER ::

- (i) The property i.e. Toyoto Etios Liva G. D. Car No. MH14/DT/4505, Engine No. IND1248391, Chassis No.MBJK49BT7000183970312 shall be released on executing indemnity bond of Rs.3, 00,000/- (Rupees Three lakhs only).
- (ii) The condition imposed vide order dated 8th February, 2017 to execute the solvent surety in the like amount before the trial Court stands deleted.
- (iii) The other conditions reflected in order dated 8th May, 2017 passed by the Sessions Court shall stand intact.
- (iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]