

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1225 OF 2016

Asha Vinayak Palve

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

* * * * *

Mr. Suhas T. Gaikwad, Advocate for the applicant.

Mr. V.B KondeDeshmukh, APP for respondent, State.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 15th FEBRUARY, 2017.

P.C. :-

- 1). Admit. By consent of the parties, taken up for hearing immediately.
- 2). This application is directed against the order dated 30th December, 2015 by which the applicants application at Exhibit-9 for return of the vehicle on supratnama is rejected by the Sessions Court. The husband of the applicant is the accused in C.R. No. I-196 of 2015 for the offences punishable under Sections 384, 385, 386, 387, 201, 34 of Indian Penal Code and under Sections 3 and 25 of the Arms Act and under Sections 37(1), 135 of the Bombay Police Act and under Section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act ("MCOC Act" for short) registered with Nerul Police Station. The vehicle had been seized from the husband of the applicant. The reasons stated in the impugned order for rejection of the application are that, the vehicle is seized from the husband of the applicant who is an accused in a serious offence. As per the prosecution, the vehicle had been used by the accused

persons while committing the offence of extracting ransom amount. The order, also expresses possibility of the vehicle being purchased from the ransom amount by the husband of the applicant. The Sessions Court, has further expressed an apprehension that, if the vehicle is returned on suprutnama to the applicant, she will not produce the same as and when required.

2). Mr. Gaikwad, the learned Advocate appearing for the applicant states that the applicant is willing to file the necessary Undertaking that she would purchase the vehicle, as and when, required. Besides, perusal of the record shows that, the vehicle had been purchased in the name of the applicant four years prior to commission of the offence. In the circumstances, there can be no difficulty for return of the vehicle on suprutnama to the applicant. The application is therefore allowed with following order :-

ORDER

3). The application is allowed in terms of prayer clauses (c) and (d) subject to condition that :-

(a). The applicant shall file in the Sessions Court within 2 weeks from today a bond in the sum of Rs.2,00,000/- (Rs. Two Lakhs only), and

(b) The applicant shall file an Undertaking that she will not part with the vehicle during the pendency of Sessions Case No.I-196 of 2015 and produce the same, as and when, required by the Court.

(c) If Undertaking is not filed, the application will stand dismissed without further reference to the Court.